

**Pakistan Information Commission**

**Government of Pakistan**

1<sup>st</sup> Floor, National Arcade, 4-A Plaza

F-8 Markaz, Islamabad

Website: [www.rti.gov.pk](http://www.rti.gov.pk)

Phone: 051-9261014

Email: [appeals@rti.gov.pk](mailto:appeals@rti.gov.pk)

Facebook: @PkInfoComm



Ref: PIC-455/FIA21-01

Date: January 19, 2021

Mr. Wajid Zia

Director General

Federal Investigation Agency

Muhammad Tufail Niazi Rd, G-9 Mauve Area

Islamabad

**Subject: Case Reference under Section 20 (1) (h) of the Right of Access to Information Act 2017**

Please find enclosed Order of the Pakistan Information Commission on Appeal No. 455-08/20, in the case of Saima Tasneem, through Eastern Law Firm (Appellant) VS Pakistan Procurement Regulatory Authority (PPRA) Board Members (Respondent), along with the copies of the record as available on the file.

Pakistan Information Commission has determined that FIA needs to investigate this case as an offence under Section 22 (1) (d) and 22 (2) of the Right of Access to Information Act 2017 which is as under:

- (d) *"Destroying a record without lawful authority, shall be punishable with a fine not exceeding fifty thousand rupees"*
- (2) *"In addition to any other action that may be taken under any other law for the time being in force, any person who wilfully destroys a record which at the time it was destroyed was the subject of an application for access to information which is the subject of an application or appeal, with the intention of preventing its disclosure under this Act, commits an offence punishable with imprisonment for a term which may extend to two years or with fine which shall not be less than one hundred thousand rupees or with both".*

The Order and copies of the record available on the file is being referred to Federal Investigation Agency, (FIA) under Section 20 (1) (h) of the Right of Access to Information Act 2017 which states that "the information commission after determination of wilful destruct of record shall refer such matters to the relevant agencies"

It will be appreciated if this Commission is informed about the action taken as per above quoted Sections of the Right of Access to Information Act 2017.



*o/c*   
Ikram Ul Haq

**IN THE ISLAMABAD HIGH COURT ISLAMABAD**

CM. No. 1678 /2021

**IN**

**Writ Petition No.499/2019**

**Ms. Tayyaba Rasheed Ahmed W/o Umer Bilal, R/o House No.307, Raza Block, Allama Iqbal Town, Lahore. (CNIC # 35202-5439764-4)**

**Petitioner**

**VS**

**Federation of Pakistan through Secretary, Finance Division/Chairman PPRA Board, Q-Block, Pak Sectt, Islamabad and Three Others.**

**Respondents**

**APPLICATION FOR FILING ADDITIONAL DOCUMENTS**

**Respectfully Sheweth:**

1. That the titled Writ Petition is pending adjudication before this Honourable Court and no date of hearing is fixed after 07.02.2019.
2. That the contents of the titled Writ Petition may kindly be read as an integral part of the instant Application.
3. That during the pendency of captioned Writ Petition, it is transpired that PPRA Board did not delegate any powers to MD PPRA/(Respondent No.3) in respect of appointment of officers, cancellation of appointment or termination of service during probation. The Director General, (M&E) with certain lobby of officers prepared forged/tempered Minutes of PPRA's 37<sup>th</sup> BOD's Meeting, contending that the Board delegated powers of appointment and termination of services of the officers to MD PPRA.
4. That the Joining of Petitioner was denied by Respondent No.3/MD-PPRA on the basis of forged/tempered documents of 37<sup>th</sup> BOD's Meeting Minutes showing delegation of powers in respect of appointment and termination of service of PPRA Employees. Respondent No.3 also submitted the tempered /bogus documents in this Hon'able Court in Two Cases i.e. WP No.2088/2019 and WP No.2089/2019 and this Hon'able Court passed judgment on 18.02.2020 on the basis of forged/tempered documents of 37<sup>th</sup> BOD's Meeting Minutes submitted by Respondent No.3 in both cases. The illegal promoted Mr. Yasir Shamim Khan as Deputy Director (Finance) held the current charge of Director (Finance & Accounts) Post, on 14.01.2019. Therefore, Respondent No.3 denied the petitioner joining and put false criminal allegations and favours Deputy Director (Finance) illegally.

5. That the Pakistan Information Commission (PIC) conducted an inquiry in the matter and vide order dated 12.01.2021 in **Appeal No.455-08-2020** held that the officers of PPRA had been using tempered document (**Minutes of 37<sup>th</sup> BOD's Meeting**) to show that the PPRA officers could themselves terminate services of PPRA employees/officers. **As per Para No.38 and 40 to 44 of Pakistan Information Commission (PIC) decision**, it is established that the Minutes of PPRA 37<sup>th</sup> BOD's Meeting was tempered and MD/Officers of PPRA had been illegally exercising powers of the PPRA Board on the basis of forged documents showing delegation of powers in respect of appointment and termination of service. PIC further forwarded the case to DG, FIA for initiation of proceedings vide letter dated 19-01-2021.
6. That the **Respondent No.4/Secretary, Cabinet Division** vide Two letters dated 06.08.2020 and 16.10.2020 directed the **Respondent No.3/(MD-PPRA)** to place and probe the matter of forgery done in the Minutes of the 37<sup>th</sup> PPRA Board Meeting dated 01.04.2019 in the special PPRA Board meeting. The **Respondent No.2/Chairman PPRA Board** also directed the **Respondent No.3** vide letter dated 24-03-2020 to fix the responsibility on relevant officers who included the non-agenda, non-discussed items in Minutes of 41<sup>st</sup> BOD's meeting.
7. That the Pakistan Information Commission is of the view (**in Appeal No.455-08-2020**) that it is not a matter of mere error and omission but an extremely serious matter of unlawful appropriation of powers through tampering of official records. As such, it has serious consequences for PPRA employees and its functioning as an important regulatory body, established to ensure judicious utilizations of public funds in public procurements. This commission hopes that it is only a one-off case and not a trend. The Commission further states that this is prima facie a case of destruction or, tampering of official records, or both. It is an offence under Section 22 (1) (d) and (2) of the Right of Access to Information Act and referred the case to DG, FIA for initiation of proceedings vide letter dated 19-01-2021.
8. That the **Respondent No.4/[Member (CCLC)]** and **Respondent No.3/MD (PPRA)** circulated the PPRA's 37<sup>th</sup> BOD's Meeting Minutes Three Times after 1<sup>st</sup> April, 2019 for placement in Federal Cabinet and (CCLC) Meetings Agenda items. The record of 37<sup>th</sup> BOD's Meeting Minutes is also available in Prime Minister Secretariat and (CCLC) Secretariat office Islamabad.

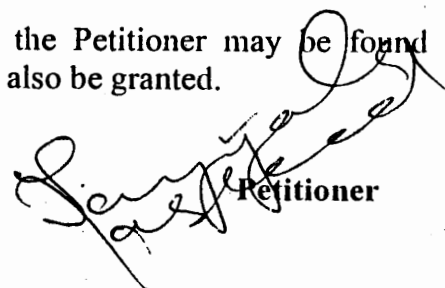
9. That the Petitioner was not involved in any misrepresentation & concealment of facts during selection process and never submitted any bogus information regarding qualifications/experience at the time of filling of OTS Form and submission to OTS office in October-2017. The petitioner mentioned accurate data/informations on OTS form as per actual documents record and same submitted to selection committee in final interview.
10. That on the basis of the report/order of Pakistan Information Commission, the Petitioner submitted new Representation dated 04.02.2021 to Respondent No.2/Chairman PPRA Board and all Board Members. The decision on said representation not communicates to Petitioner till date.
11. That the petitioner intends to file the following additional documents for proper adjudication of the titled Petition:-
  - (i) Representation dated 04.02.2021 filed by the petitioner to Chairman PPRA Board & others Members.
  - (ii) Copy of final Judgment dated 18.02.2020 passed in WP No.2088/2019.
  - (iii) Forged/tempered Minutes of PPRA 37<sup>th</sup> BOD's Meeting which were produced in WP No.2088/2019 to mislead the Court.
  - (iv) Actual Minutes of PPRA 37<sup>th</sup> BOD's Meeting, wherein there was no agenda item No.11(b) for delegation of powers to the MD, PPRA.
  - (v) Detailed order dated 12.01.2021 in Appeal No.455-08-2020 of Pakistan Information Commission.
  - (vi) Letter dated 19-01-2021 of PIC addressed to DG FIA.

### **PRAYER**

In view of the foregoing facts, it is respectfully prayed that the additional documents specified above may be allowed to be placed on the record in the interest of justice.

Any other relief equitable and just to which the Petitioner may be found entitled to in the circumstances may very kindly also be granted.

Through

  
Petitioner

**Sardar Ghazanfer Khan**  
(Advocate High Court)



**IN THE ISLAMABAD HIGH COURT ISLAMABAD**

**CM (Independent) No. \_\_\_\_\_ of 2021**

**IN**

**Writ Petition No.2088/2019**

**Ms. Saima Tasneem** D/o Khawaja Tasneem Anwar, ex-DG (HR), PPRA,  
R/o House No.894, Service Road, North Sector I-10/2, Islamabad.

**Petitioner**

**VERSUS**

- 1. Public Procurement Regulatory Authority (PPRA) through its Managing Director, FBC Buildings, 1<sup>st</sup> Floor, Sector G-5/2, Islamabad.**
- 2. Federation of Pakistan, through Secretary, Finance Division/Chairman, PPRA Board, Q-Block Pak-Sectt, Islamabad.**
- 3. The Board-Public Procurement Regulatory Authority (PPRA), through Secretary Board/MD (PPRA) FBC Buildings, 1<sup>st</sup> Floor, Sector G-5/2, Islamabad.**

**Respondents**

**APPLICATION UNDER SECTION 12 (2) OF THE CODE OF  
CIVIL PROCEDURE 1908 Against Judgment Dated 18.02.  
2020 Passed In WP No.2088/2019 & WP No.4176/2018  
along with Other Writ Petitions**

Respectfully Submitted :

This Hon'able Court passed Judgment on 18.02.2020 in the applicant's Two Cases No.2088/2019 and WP No.4176/2018 alongwith WP No.2089/2019 on the basis of termination power of MD (PPRA) against which applicant filed CPLA No.2647/2020 & No.2648/2020, but during the pendency of these petitions, Pakistan Information Commission (PIC) has concluded Appeal No.455-08-2020 on 13.01.2021 that Para 11 (b) of 37<sup>th</sup> PPRA BOD's Meeting held on 01.04.2019 was forged and on the basis of forged documents, Judgement and decree obtained can be challenged under section 12 (2) CPC. Hence, this application :

1. That the Petitioner joined PPRA, on 20-06-2018, as a consequence of the Order dated 21.05.2018 passed in WP No.348/2018 before this Hon'able Court. The Petitioner's terminated from services on 17.05.2019 by the MD (PPRA) Dr. Fida Muhammad Wazir which order was assailed before this Hon'able Court in WP No.2088/2019, which was decided alongwith two others WPs i.e.2089/2019 & 4176/2018 on 18.02.2020. Certified Copy of Judgment dated 18.02.2020 passed by this Court is placed on **Annex-A**. Termination from service order dated 17.05.2019 is placed on **Annex-B**.
2. That the order dated 18.02.2020 passed by this Court in Petitioner's Two WPs No.2088/2019, No.4176/2018 was initially challenged through Two Intra Court Appeals No.71/2020 & No.72/ 2020, which was dismissed by Division Bench (DB) vide judgment dated 13.07.2020 and against their Two CPLAs No.2647/2020 & No.2648/2020, was filed before Hon'able Supreme Court of Pakistan which is yet to be fixed in the court but it shall be withdrawn at the earliest. Order XX Rule 1 of Supreme Court Rules 1980 creates no bar in proceeding as per law.
3. That the order of termination from services dated 17.05.2019 was passed on the basis of delegation of power to the MD (PPRA) in the 37<sup>th</sup> BOD's Meeting held on 01.04.2019 by writing Para 11 (b) on additional Page No.4 of the Meeting Minutes which were forged as held by Pakistan Information Commission on 13.01.2021 by exercising Power under Right of Access to Information Act 2017. Copies of PIC decision dated 13.01.2021 alongwith forged and actual minutes of 37<sup>th</sup> BOD's meeting are placed on **Annex-C, D and E**.
4. That this Hon'ble court while passing order on 18.02.2020 observed in Para 8 of the order that the authority may delegate its functions or powers to the Managing Director, which accordingly was done by the Board of the Authority in the Minutes of 37<sup>th</sup> Meeting of the Public Procurement Regulatory Authority Board held on 01.04.2019 and the Para from the minutes defining MD as competent authority was reproduced and added sentence in Para 9 showing the delegated Authority exercised by him for terminating the petitioner as valid but the whole Para 11 (b) of 37<sup>th</sup> BOD's meeting was forged as observed in the Pakistan Information Commission (PIC) report dated 13.01.2021 in Appeal No.455-08-2020. Copy of MD (PPRA) Parawise Comments/Report in WP No.2088/2019 is placed on **Annex-F**.

5. That under the changed circumstances, law allow the applicant to move application under section 12 (2) CPC as fraud and misrepresentation has been caused to the applicant and following Judgements are referred in this regard.

a) **Lal Din Vs Muhammad Ibrahim 1993 SCMR 710**, wherein suit of the appellant for the validity of 1961 mutations on the basis of 1960 death of their father remained failed due to the reason of forged death certificate of the Year 1966 produced by the defendants/respondents but when certified copy of 1960 certificate became available, it was established that forged documents was produced in order to failed the suit.

The learned author Judge Shafi-ur-Rehman, J concluded and laid down principles which shall be cited at the time of arguments.

b) **DADA Steel Mills (Pvt) Limited Vs m.v. VAN and 2 others 1997 MLD 866**, wherein suit for recovery of money was withdrawn on the basis of compromise which was subsequently found false representation to deprive plaintiff from encashment or receive benefit of litigation on the basis of fax message and application under 12 (2) was allowed. Citation would be cited.

c) **JOHN PAUL Vs IRSHAD ALI & OTHERS PLD 1997 Karachi 267** wherein agreement to sell and general power of attorney were executed at the time when petitioner was admittedly out of the country and such documents were forged and court exercised jurisdiction under section 12 (2) CPC. Judgment would be cited.

6. That this Hon'able Court has pleased to issue notices on 26.08.2021 & 02.09.2021 in WP No.2991/2021 and CM Independent No.3571/2021 In WP No.2089/2019 respectively filed by two another terminated employees of PPRA by recording the contention of council and with specific reference of PIC report dated 13.01.2021 regarding the Para 11 (b) of PPRA 37<sup>th</sup> Board Meeting and the applicant is also seeking at par treatment from this Hon'able Court. **Court's Order dated 26.08.2021 & 02.09.2021 is placed on Annex-G & G-1.**

7. That this application is being moved in the interest of justice for the supremacy of law for which Article 4 of the Constitution encourage the applicant/petitioner and in order to discouraged fraud and misrepresentation which has not only been played with the applicant but also with the court while submitting comments and advancing arguments.

## **PRAYER**

It is respectfully prayed that this application may please be allowed by recalling order dated 18.02.2020 as obtained by false representation and fraud and decide the WP No.2088/2019 etc afresh alongwith pending WP No.2991/2021 & CM Independent No.3571/2021 in accordance with law in the interest of justice.

Any other relief equitable and just to which the Petitioner may be found entitled to in the circumstances may very kindly also be granted.

**Petitioner**

**Through:**

**(Riaz Hanif Rahi)  
Advocate Supreme Court (ASC)  
(CC No.15965)**

**First Certificate:** As per instructions received from the client, it is certified that it is the first application under 12(2) of the code of civil procedure ever moved against the order dated 18.02.2020 passed in WP No.2088/2019 before this Hon'able Court.

**Counsel**

-8-

Form No: HCJD/C-121

**JUDGEMENT SHEET.**  
**IN THE ISLAMABAD HIGH COURT,**  
**ISLAMABAD.**

**Writ Petition No.2088 of 2019**

***Ms. Saima Tasneem***

***Versus***

***Public Procurement Regulatory Authority (PPRA) through its  
Managing Director, Islamabad and 02 others.***

**Writ Petition No.2089 of 2019**

***Irfan Rafique***

***Versus***

***Public Procurement Regulatory Authority (PPRA) through its  
Managing Director, Islamabad and 02 others.***

**Writ Petition No.4176 of 2018**

***Ms. Saima Tasneem***

***Versus***

***Managing Director, Public Procurement Regulatory Authority  
(PPRA), Islamabad and others.***

**Petitioner's by : Mr. Ali Nawaz Kharal, Advocate.**

**Respondent's by : Hafiz Arfat Ahmad Ch., Kashifa Niaz  
Awan and Tariq Zaman Ch., Advocates  
for respondents No.1&3.**

**Date of decision : 18.02.2020**

*Certified to Be True Copy*

**10 JUL 2021**

**10 JUL 2021**  
Clerk, Registry Section  
Authorised under Article-87 of  
Constitution, and Order 1984  
Islamabad High Court  
Islamabad

\*\*\*\*\*

**AMER FAROOQ, J. -** This judgment shall decide the  
instant petition as well as Writ Petition No.2089 of 2019 as well

-9-

as Writ Petition No.4176 of 2018, as common questions of law and facts are involved.

2. Ms. Saima Tasneem and Irfan Rafique were appointed on probation in Public Procurement Regulatory Authority (PPRA), vide appointment letter dated 21.05.2018. The probation period was for one year as provided in Regulation 16 of Public Procurement Regulatory Authority (PPRA) Service Regulations, 2017. The services of the petitioners were terminated, vide letters dated 17.05.2019, which are the subject matter of Writ Petition No.2088 of 2019 and Writ Petition No.2089 of 2019. During the course of service, Ms. Saima Tasneem filed a writ petition against respondents for interfering in her work and not cooperating, which is the subject matter of Writ Petition No.4176 of 2018.

3. Learned counsel for the petitioners, *inter-alia*, contended that the terms and conditions of service of the petitioners are regulated under Public Procurement Regulatory Authority (PPRA) Service Regulations, 2017, which are statutory,

hence the instant petition is maintainable. In this behalf, it was

contended that Public Procurement Regulatory Authority (PPRA)

is the creation of Public Procurement Regulatory Authority

Ordinance, 2002; that under Regulation 18(2) read with

Regulation 27 of the referred Ordinance, PPRA has the power to

frame regulations governing the procedure for appointment of his

Certified to Be True  
10 JUL 2021  
Copies of the Section  
Authorised by the  
Barrister-at-Law  
Islamabad High Court  
Islamabad

employees. It was submitted that since the statute provides a particular procedure for framing of regulations and the same was followed, while formulating 2017 Regulations, hence the same are statutory. It was contended that even otherwise if the Regulations are non-statutory even then the instant petition is maintainable inasmuch as there is violation of law and breach of principles of natural justice while issuing the termination letters. In this behalf, it was contended that the reasons which have been mentioned in the termination letters are that the performances of the petitioners are not satisfactory and due to their conduct, they are being dismissed; that the referred reasons carry a stigma, which shall prejudice the future prospects of the petitioners to gain employment elsewhere. It was submitted that the impugned decision not to confirm the services of the petitioners has not been taken by the Competent Authority. It was submitted that under the Ordinance of 2002, the Competent Authority is the Board of the Authority, whereas the Managing Director has decided not to confirm the services, hence the decision is without lawful authority. In support of his contentions,

Certified to Be True Copy

learned Counsel placed reliance on cases reported as "*Muhammad*

*Siddiq Javaid Chaudhry Vs. The Government of West Pakistan*"

10 JUL 2021

(PLD 1974 SC 393), "*Riaz Ali Khan Vs. Pakistan*" (PLD 1967

Supreme Court

Copy of the petition

Authorised by the Court

Guaranteed by the Court

Islamabad High Court

Islamabad

*Lahore 481*), "*Mrs. Abida Parveen Channar Vs. High Court of*

*Sindh*" [2011 PLC (CS) 836], "*Engineer Majeed Ahmed Memon*

*Vs. Liaquat University of Medical and Health Sciences Jamshoro*

-11-

and others" (2014 SCMR 1263), "Zahoor Ahmed Vs. WAPDA and others" (2001 SCMR 1566), "Messrs Pakistan State Oil Co. Ltd. Vs. Muhammad Tahir Khan and others" (PLD 2001 SC 980), "Government of Sindh through the Advocate-General Sindh Vs. Muhammad Hussain and 6 others" (2000 SCMR 75), "The Managing Director Vs. Tariq Bashir Hashmi" [2003 PLC (CS) 1143] and "Nadeem Asghar Nadeem and others Vs. Province of the Punjab and others" [2016 PLC (CS) 155].

4. Learned counsel for the respondents, *inter-alia*, contended that the instant petition is not maintainable as the service regulations of PPRA are non-statutory. It was submitted that at the end of the probation period the Competent Authority in its opinion did not deem it appropriate to confirm the services of the petitioners. It was submitted that in the letter, the word conduct does not amount to misconduct but is to be taken in its general connotation. It was also pointed out that the Managing Director derives his authority to refuse confirmation or terminate as the referred aspects have been delegated to him by the Board of the Authority. It was submitted that in exercise of the powers delegated to him, the Managing Director after evaluating all the records and keeping in account the conducts and performances of the petitioners decided not to confirm them. Learned counsel further contended that an employee, who is on probation has no vested right to be confirmed and the matter vests with the Competent Authority to confirm the services or otherwise. It was

Certified to Be True Copy

10 JUL 2021

Exhibited  
Copy of the order  
Authority of the court  
Qanoon-e-Mahazat Order 1984  
Islamabad High Court  
Islamabad



further submitted that even otherwise, there is no violation of law or principles of natural justice as there is no stigma attached, hence the petitioners were not entitled to an opportunity of hearing. Reliance was placed on cases reported as "*University of the Punjab, Lahore and 2 others Vs. Ch. Safdar Ali*" (**1992 SCMR 1093**), "*Rehan Saeed Khan and others Vs. Federation of Pakistan and others*" [**2001 PLC (C.S.) 1275**], "*Dr. Masood ur Rauf Vs. University of the Punjab through Vice-Chancellor, Lahore*" [**2017 PLC (C.S.) 250**], "*Dr. Muhammad Akram Vs. Vice-Chancellor and others*" [**1996 PLC (C.S.) 220**], "*Syed Tahir Hussain Shirazi Vs. The Government of the Punjab and others*" (**1990 SCMR 1510**), "*Muhammad Samiullah Ghauri Vs. Secretary, Population Welfare Division, Islamabad and others*" (**1991 SCMR 382**), "*Ch. Muhammad Hussain Naqshabandi Vs. Government of the Punjab and others*" (**2004 SCMR 44**), "*Shakeel Ahmed Shaikh Vs. Aga Khan University through Board of Governor and another*" [**2017 PLC (C.S.) 1080**], "*Pakistan Airlines Pilot Association Vs. Pakistan International Airline*" (**2019 SCMR 278**), "*Muhammad Siddiq Javaid Chaudhry Vs. The Government of West Pakistan*" (**PLD 1974 SC 393**), "*Ali Gohar Vs. Managing Director, Sui Northern Gas Pipe Lines Limited, Lahore and 2 others*" [**1998 PLC (C.S.) 828**], "*Asif Majeed Paul and another Vs. Ministry of Finance and another*" [**2019 PLC (C.S.) 907**], "*Dr. Mir Alam Jan Vs. Dr. Muhammad Shahzad and others*" (**2008 SCMR 960**), "*Dr. Khalil ur Rehman Vs. Government of Punjab through Chief*"

Certified to be a True Copy

10 JUL 2021

Authorised Officer  
Islamabad High Court  
Islamabad

*Secretary, Punjab and 5 others" [2015 PLC (C.S.) 793], "Muhammad Abbasi Vs. SHO Bhara Kahu and 7 others" (PLD 2010 SC 969), "Daleel Khan Jatoi and 6 others Vs. Shaheed Benazir Bhutto University through Vice-Chancellor and 2 others" [2017 PLC (C.S.) Note 34], "Shakeel Ahmed Shaikh Vs. Aga Khan University through Board of Governors and another" [2017 PLC (C.S.) 1080] and "Dr. Masood ur Rauf Vs. University of the Punjab through Vice-Chancellor, Lahore" [2017 PLC (C.S.) 250].*

5. Arguments advanced by learned counsel for the parties have been heard and the documents placed on record examined with their able assistance.

6. As noted above, the petitioners were employees of Public Procurement Regulatory Authority (PPRA) and were appointed on probation for a period of one year in May, 2018. After lapse of one year, the services of the petitioners were terminated, vide impugned letters dated 17.05.2019 on the basis that their performances are not satisfactory and because of their conduct. The terms and conditions of the service of the

petitioners are regulated under Public Procurement Regulatory Authority (PPRA) Service Regulations, 2017, which have been notified in the official gazette of Pakistan through SRO No.79(I)2017, dated 06.02.2017. The referred Regulations were framed under Section 18(2) read with Section 27 of Public

Certified to Be True Copy

10 JUL 2021

Stamp of the Government of Punjab, Islamabad  
Authority (PPRA) Service Regulations-87 of  
Government of Punjab, Islamabad, 1984  
Islamabad High Court  
Islamabad

Procurement Regulatory Authority Ordinance, 2002. Section 18(2) provides for framing of regulations prescribing the procedure for appointment of the officers, servants, advisors, consultants and experts and the other terms and conditions of their service, whereas Regulation 27 generally empowers the authority to make regulations which are not inconsistent with the provisions of PPRA Ordinance, 2002.

7. The question whether or not the service Regulations of PPRA are statutory; the benchmark created through decisions of the Hon'ble Supreme Court of Pakistan is whether the rules/regulations are for internal regulation or working or with respect to the external dealings of the body. In this behalf, the Hon'ble Supreme Court of Pakistan in *"University of the Punjab, Lahore and 2 others Vs. Ch. Safdar Ali" (1992 SCMR 1093)* held that where the Rules, Regulations and Instructions which were devised for internal use by any statutory body would be non-statutory and the violation thereof would not normally be forced through Constitutional Petition. The latest pronouncement

Certified to Be True  
of the Hon'ble Supreme Court of Pakistan on the subject is

*"Pakistan Defence Officers Housing Authority Vs. Mrs. Itrat Sajjad*

10 JUL 2021

*Khan and others" (2017 SCMR 2010), where the same test was*

reiterated in the following terms:-  
Islamabad High Court  
Islamabad

*"15. No doubt the employees of statutory corporations in absence of violation of law or any statutory rules of service cannot press into service constitutional jurisdiction of the High Court and after we have come to the conclusion that the service rules framed by the*

-152

appellant were not statutory but for their internal guidance and, therefore, their enforcement through writ jurisdiction does not appear to be in consonance with the law settled by this Court. The directions imparted through the impugned judgment by the High Court to initiate proceedings against the respondent in terms of Removal from Service (Special Powers) Ordinance, 2000 after its repeal in the year 2010 vide Removal from Service (Special Powers) (Repeal) Act, 2010 also appear to be result of poor assistance. However, the question which escaped the attention of the High Court and needs our consideration is as to whether Rule 8(b)(1) of the Service Rules framed by the appellant in 2008 for their employees which authorizes the Administrator to dispense with the services of an employee by giving him one month's notice or a month's pay in lieu thereof without assigning any reason or providing an opportunity of hearing is violative of the principle of natural justice, which always has been treated as violation of law. The said rule further appears to be against the principles of public policy which requires the public functionaries to maintain transparency and to exercise their powers in good faith in the public interest and not on the basis of personal likes or dislikes or on the basis of whims and fancies and, therefore, it needs to be examined as to whether such rule could be allowed to be retained in the service rules (though non-statutory) of the appellant a statutory body. Rule 8 of the Service Rules 2008 of the appellant is reproduced below for the sake of convenience:-

"8. Termination/Resignation/Dismissal from Service

a. Termination / Dismissal

(1) Termination. Termination of service of an employee under the clause of 'Misconduct' as per DHA Rules Chapter IV. An employee terminated due to absence from duty under this clause will be entitled for gratuity and other emoluments under normal rules.

(2) Dismissal. In case an employee commits an offence of a serious nature as determined by the competent authority, he/she will be dismissed under relevant DHA Rules. Such an employee will not be eligible for gratuity and other benefits except provident fund (his/her share only).

Certified to Be True Copy

10 JUL 2021

Authorised Signatory  
Qanun-e-Adalat Order 1984  
Islamabad High Court  
Islamabad

*b. Rules for Governing Termination/Dismissal / Resignation*

*(1) The Administrator may dispense with the services of an employee by giving him one month's notice or one month's pay in lieu thereof. Similarly, an employee may resign from service by giving one month's notice or by paying one month's pay in lieu thereof.*

*(2) Withdrawal of an Employee's Resignation*

*(a) Before acceptance by the Administrator - the resignation shall be deemed to have been withdrawn.*

*(b) After its acceptance, but before the employee is relieved - the Administrator may allow/disallow withdrawal based on the merits of the case.*

*(3) An un-confirmed/temporary, daily wager, trainee, part time employee and visiting faculty shall not be entitled to any notice or salary in lieu thereof on termination of service. Similarly, such employee may resign without any advance notice.*

*(4) A regular employee shall not be removed or dismissed from service on disciplinary grounds without a prior 'show cause' notice.*

*(5) An employee who absents himself/herself without leave or overstay leave, he/she will be served with three notices each after every ten days to rejoin duty. In case of failure to report for duty, his/her services will be dispensed with under 'Misconduct'.*

*(6) In case of retrenchment/closure of a Section/Department/ Project/work area, services of an employee can be dispensed with being surplus/no longer required."*

Certified to Be True Copy

10 JUL 2021

For Master  
Copy to  
Authorised Officer of  
Qand-e-... Order 1984  
Islamabad High Court  
Islamabad

On the basis of the above judgments of the august Apex Court, it

seems that the service regulations of PPRA are non-statutory,

however, the mere fact that the service regulations are non-

statutory does not *per se* defeat the instant petitions inasmuch as

the Hon'ble Supreme Court of Pakistan in case reported as

17

"Pakistan Defence Officers' Housing Authority and others Vs. Lt. Col. Syed Jawaid Ahmed" (2013 SCMR 1707) observed that even if where the rules of service are non-statutory any violation of law or breach of principles of natural justice would make the petition under Article 199 of the Constitution maintainable.

8. The services of the petitioners were not confirmed and they were terminated allegedly under Regulation 16(4) of Public Procurement Regulatory Authority (PPRA) Service Regulations, 2017. Under the referred Regulation where in the opinion of the competent authority, the performance or conduct of a person on probation has been unsatisfactory or where he/she has failed to pass such examination or test or to complete successfully any mandatory course or training, the services of the employee shall be terminated. The test provided for confirmation or otherwise of probation period is the satisfactory performance and the conduct. It seems that the Authority issuing the letter has strictly followed the terms as provided in Regulation 16(4) ibid. It is the case of the respondents that under 2002 Ordinance, Public Procurement Regulatory Authority is competent to terminate or confirm the services of any employee on probation.

In this behalf, reliance was placed on Section 6 of the said Ordinance read with Section 18 ibid. Under Section 20, the Authority may delegate its functions or powers to the Managing Director, which accordingly was done by the Board of the Authority in the minutes of 37<sup>th</sup> meeting of the Public

Certified to Be True Copy

10 JUL 2021

Government of Sindh  
Ministry of Labour & Social Welfare  
Authorised Officer  
Islamabad

Procurement Regulatory Authority Board held on 01.04.2019. The decision of the Board in this regards reads as follow:-

*"The Board delegated all the powers to Managing Director regarding decision on the appointment related issues as well as of probation including confirmation, extension of probation and termination of service, relevant Court matters, as the case may be, and authorized him to decide accordingly being Competent Authority and the only full time Member of the PPRA Board."*

9. The Managing Director pursuant to the above authority delegated to him took the decision of termination. One of the grounds of the petitioners is that the decision was taken without application of mind and the discretion was exercised in an arbitrary and whimsical manner. In response, learned counsel for respondents drew the attention of the Court towards the internal note sheet of the Authority, whereby the case of the various employees of respondents was taken up regarding probation, extension and termination of probation. The bare perusal of the note sheet shows that the entire background of the appointment of the petitioners alongwith other employees and their competence was taken into account including the

Certified to be true copy of the observations made by the Division Bench of this Court in ICA No.258 of 2018 as well as ICA No.259 of 2018 and on the basis

10 JUL 2023

Execution  
Copy  
Authorised  
Qandoo  
Islamabad High Court  
Islamabad

thereof it was proposed and decided that the petitioners' services would be terminated because of their unsatisfactory performance and there was no room for improvement. The said decision was taken on 17.05.2019 and was communicated though erroneously

adding the concept of conduct on 21.05.2019. Learned counsel for the respondents placed on record minutes of 39<sup>th</sup> meeting of the Public Procurement Regulatory Authority Board held on 25.11.2019, whereby the decision of the Managing Director to terminate the services of the petitioners was ratified.

10. Admittedly, the petitioners were on probation. The rights of an employee on probation were dealt in detail in the judgment of the Hon'ble Supreme Court of Pakistan reported as "*Muhammad Siddiq Javaid Chaudhry Vs. The Government of West Pakistan*" (**PLD 1974 SC 393**):-

*"It appears to me that the real question for decision in this case is what is the position of a probationer in service. This aspect of the question was considered in the cases of Federation of Pakistan v. Riaz Ali Khan (P L D 1958 Lah. 22), Tasnim Ali Mir v. The Federation of Pakistan (P L D 1959 Kar. 62), Riaz Ali Khan v. Pakistan (P L D 1967 Lah. 491) and Mohammad Afzal Khan v. Superintendent of Police, Montgomery and others. In the former two decisions, it was held that in the case of a probationer the question as to whether he is or is not to be employed has not yet been finally decided whereas in the case of a temporary employee the question of employment has certainly been decided. Only he is not a permanent employee and the period of his employment is regulated by his agreement. It was further held that the question of removal or dismissal arises only when the question whether a person is to be employed has been finally decided and secondly it is where the order of discharge by itself finds a person to be blameworthy or deficient that it can be regarded as removal or dismissal. To such a removal or dismissal a stigma attaches, but if what has happened is that the real reason of discharge is the unsatisfactory work of an employee but the Government does not proceed on the basis that he is guilty or deficient and simply terminates his services in accordance with the terms of his*

Certified to Be True Copy

10 JUL 2021

Copy of the  
Authorised  
Gandhi  
Islamabad  
Islamabad



agreement of service, that would not be a removal. Contrary view was taken in the latter two decisions which have been cited earlier. The position of a probationer was also considered in *Mohammad Naseem Ahmad and others v. Miss Azra Feroze Bakht and others* (P L D 1968 S C 37). Hamood-ur-Rahman, J. one of us (as he then was), has, in this connection, observed as under:-

"Where conditions are prescribed for confirmation an officer remains a "probationer" until he has fulfilled those conditions and cannot be treated as a person substantively appointed to a permanent post. Nor has he any right to be confirmed from the date of his original appointment, no matter when he qualifies for confirmation. Although in the normal course, if there is nothing against the officer concerned, the general rule followed appears to be that he is confirmed from the date of his original appointment provided a permanent post is available. But it would appear from the Establishment Manual, Government of Pakistan, Volume I, that this is in the discretion of Government and that it has on occasions laid down a different rule or procedure."

It was further observed as under:-

"There is no rule or practice of general application with regard to confirmations and the Government has reserved to itself the right to determine how, when, in what manner and with what effect from what date confirmations will be made. There is also no unreasonableness in this, for it is only the employer who can say when a probationer is to be considered to have become fit for permanent retention according to his requirements and until then the probationer can have no lien to or right of retention in the service. But all other conditions being fulfilled confirmation can and does in most cases relate back to the date of original induction into service."

Certified to be true  
10 JUL 2021

Under Secretary  
Authorised Officer  
Islamabad High Court  
Islamabad  
In the light of the above discussion, it appears to me that a probationer is a person who is taken in service subject to the condition that it will attain a sure footing only if during the period that he is on probation he shows that he is a fit person to be retained in service. I agree with the view expressed in *Mohammad Afzal*

*Khan v. The Superintendent of Police, Montgomery and Riaz Ali Khan v. Pakistan*, that a person who is on probation is subject to all checks to which a permanent servant is subject. He cannot, for example, refuse to obey orders, keep his own hours of duty, or indulge in any malpractice. In my opinion, if the service of a probationer is terminated on the ground of unsatisfactory work that will not amount to dismissal or removal from service, such termination will be in terms of the contract or the rules made by the Government but if the service of a probationer is terminated on the ground of misconduct that will amount to removal or dismissal. It will be a stigma in his favour. In the last mentioned case, the probationer will be protected by the provisions of Article 177 of the Constitution of 1962 and will be entitled to a show-cause notice and a proper enquiry against him must be made.

Taking now the facts of each case, it will be noticed that the authorities concerned in the case of Mohammad Siddiq Javaid Chaudhry and Muntaz Hussain Malik appellants, terminated their services on the ground of unsatisfactory work and conduct. The record shows that there were allegations against them of corruption. In these circumstances, the order terminating their services amounts to removal and dismissal within the meaning of Article 177 and they were entitled to a show-cause notice under Article 177 of the Constitution of Pakistan, 1962.

Similarly, in the case of Abdur Rashid Abbasi, appellant, the allegations of corruption were made against him and an enquiry was also held but instead of completing the enquiry, his services were terminated on the ground that he is not likely to become a good citizen. It was also mentioned in the order that there were complaints of corruption against him. In these circumstances, the order terminating his services amounts to removal and dismissal and he was entitled to the protection of Article 177 of the Constitution of 1962."

Certified to Be True Copy  
10 JUL 2021  
Section  
Auth. Secy. to Govt. of Sindh  
Gandhinagar, Karachi  
Islamabad High Court  
The Hon. Mr. Justice

The essence of the above judgment is that a probationer is not entitled to any personal hearing or an opportunity in compliance.

of natural justice where his work is found to be unsatisfactory and the competent authority decides to dispense with his services, however, where there is a charge of misconduct or any other similar allegation carrying a stigma the probationer is to be allowed a personal hearing. Similar view was expressed by the Hon'ble Sindh High Court in judgment reported as "*Daleel Khan Jatoi and 6 others Vs. Shaheed Benazir Bhutto University through Vice-Chancellor and 2 others*" [2017 PLC (C.S.) Note 34] and decision of the Hon'ble Lahore High Court reported as "*Dr. Masood ur Rauf Vs. University of the Punjab through Vice-Chancellor, Lahore*" [2017 PLC (C.S.) 250]. The fact that whether the performances of the petitioners were satisfactory or otherwise fall within the exclusive domain of the employer, this Court cannot sit over the decision and render its judgment regarding the satisfactory performance of employee of any organization. In this regard, the case law relied upon by learned counsel for the respondents is instructive. Reliance is placed on "*Dr. Mir Alam Jan Vs. Dr. Muhammad Shahzad and others*" (2008 SCMR 960) and "*Dr. Khalil ur Rehman Vs. Government*

*Punjab through Chief Secretary, Punjab and 5 others*" [2015 PLC (C.S.) 793].

10 JUL 2021

11.

Section  
Article-87 of  
Constitution of Pakistan 1973  
Islamabad High Court  
Islamabad

In view of the above facts and the law, the decision of the Competent Authority not to confirm the services of the petitioners and terminate the same does not amount to any stigma. The word conduct mentioned in the impugned letters is

not to be taken as misconduct, however, since it is likely to be misconstrued and hamper the possibility of future prospects of employment of the petitioners, the Competent Authority may issue revised letters to the petitioners of the same date clarifying the position. In so far as Writ Petition No.4176 of 2018 is concerned, as noted above, Ms. Saima Tasneem filed the same, seeking various reliefs against her employer, since her services stand terminated, the reliefs sought have become infructuous.

12. For what has been stated above, Writ Petition No.2088 of 2019 and Writ Petition No.2089 of 2019 are without merit, hence **dismissed**, however, Writ Petition No.4176 of 2018 is **disposed of** as having become infructuous.

10 JUL 2021  
Examined  
Faintly visible text: Section  
Auth... Certificate 37 of  
Qah... Order 1934  
Islamabad High Court  
Islamabad

*(Signature)*  
(AAMER FAROOQ)  
JUDGE

SUMMARY OF PPRA CASES		
S.#	Case Number	Engagement of Pvt Lawyer illegally
1	ICA No.71/2020,	Mr. Hafiz Arafat Ahmed Chaudhry, (ASC)
2	ICA No.72/2020,	Mr. Hafiz Arafat Ahmed Chaudhry, (ASC)
3	ICA No.130/2020,	Mr. Hafiz Arafat Ahmed Chaudhry, (ASC)
4	WP-No.2088/2019,	Mr. Hafiz Arafat Ahmed Chaudhry, (ASC)
5	WP No.2089/2019,	Mr. Hafiz Arafat Ahmed Chaudhry, (ASC)
6	WP No.4116/2018,	Mr. Hafiz Arafat Ahmed Chaudhry, (ASC)
7	WP No.3741/2018,	Mr. Hafiz Arafat Ahmed Chaudhry, (ASC)
8	WP No.4274/2018,	Mr. Hafiz Arafat Ahmed Chaudhry, (ASC)
9	WP No.1092/2018,	Mr. Hafiz Arafat Ahmed Chaudhry, (ASC)
10	WP No.1553/2018,	Mr. Hafiz Arafat Ahmed Chaudhry, (ASC)
11	WP No.860/2018,	Mr. Hafiz Arafat Ahmed Chaudhry, (ASC)
12	WP No.3353/2018,	Mr. Hafiz Arafat Ahmed Chaudhry, (ASC)
13	WP No.4176/2018,	Mr. Hafiz Arafat Ahmed Chaudhry, (ASC)
14	WP No.2410/2019,	Mr. Hafiz Arafat Ahmed Chaudhry, (ASC)
15	WP No.1551/2018,	Mirza Waqas Qayyum, Co-Associate of Hafiz Arafat Ahmed Chaudhry, appeared on <u>11.03.2019</u> from Respondent No.4 (Fida Muhammad Wazir MD (PPRA) without submitting Power of Attorney.
16	Appeal No.544-08-2020 (PIC)	Mr. Hafiz Arafat Ahmed Chaudhry, (ASC)
17	WP No.4367/2019	Mr. Hafiz Arafat Ahmed Chaudhry, (ASC)
18	WP No.4372/2019.	Hafiz Arafat Ahmed Chaudhry, (ASC)
19	ICA No.258/2018,	Mr. Abdul Rahim Bhatti, (ASC)
20	ICA No.259/2018	Mr. Abdul Rahim Bhatti, (ASC)
21	WP-No.348/2018,	Mr. Abdul Rahim Bhatti, (ASC)
22	WP-No.578/2018	Mr. Abdul Rahim Bhatti, (ASC)
23	Crl, Org, Petition No.189/2016	Barrister Masroor Ali Shah, (ASC)
24	WP-No.2498/2018,	Illegal Appointment of Muhammad Zubair.
25	WP-No.2203/2020	Illegal Appointment of Muhammad Zubair.
26	WP-No.1391/2020	MD (PPRA) not yet Engaged any Pvt Lawyer.


**The Chairman,  
PPRA Board/Secretary Finance Division,  
Islamabad**

**Subject : Request For Initiation of Disciplinary Proceedings Under Efficiency & Discipline (E&D) Rules Against Abdul Nabi, Director (Legal) Public Procurement Regulatory Authority (PPRA)**

**Respectfully Submitted :**

1. That Mr. Abdul Nabi filed Writ Petition No.3331/2021 on behalf of PPRA, but Board Members give no authority/resolution for filling the Writ Petition which conduct was pointed out by the applicant before the same court by filling CM No.4055/2021 in WP No.3331/2021, wherein Hon'able Court pleased to issued notices on 04.10. 2021. Copy of Memo of CM No.4055/2021 and order dated 04.10.2021 is placed on **Annex-A**.
2. The Writ Petition No.3331/2021 was filed with intention to make the Pakistan Information Commission (PIC) report dated 13.01.2021 meaningless, but the report is in fact in appreciation of law and to protect the dignity of the Board Members. Copy of Memo of WP No.3331/2021 alongwith order dated 29.09.2021 is placed on **Annex-B**.
3. The Beauty of Public offices lies in the observance of limits which if may be crossed ; then, appropriate Disciplinary Proceedings Under Efficiency & Discipline (E&D) Rules 2017 is required.
4. That the authority of the Board has been subverted and undermined by the aforesaid officer, which required immediate Disciplinary action against him.

It is most respectfully prayed that Disciplinary Proceedings may be initiated against Mr. Abdul Nabi, Director (Legal) PPRA under E&D Rules 2017 forthwith falling which appropriate legal remedy shall be sought.

  
**(Saima Tasneem)**  
ex-DG (HR) PPRA  
Islamabad

**Copy to :**

1. All Members of PPRA Board.
2. Secretary, Cabinet Division Islamabad.
3. Secretary, Establishment Division Islamabad.
4. Director General, Federal Investigation Agency (FIA) Islamabad.
5. Director, (FIA), (Islamabad Zone) Sector G-13/3, Islamabad.
6. For record & further legal actions.

**IN THE ISLAMABAD HIGH COURT ISLAMABAD**

**CM No. 4055 /2021**

**In**

**Writ Petition No.3331/2021**

Ms. Saima Tasneem D/o Khawaja Tasneem Anwar, ex-DG (HR), PPRA,  
R/o House No.894, Service Road, North Sector I-10/2, Islamabad.

**Applicant/Petitioner**

**VERSUS**

Abdul Nabi, Director (Legal) Public Procurement Regulatory Authority  
(PPRA) Cabinet Division, FBC Buildings, 1<sup>st</sup> Floor, Sector G-5/2,  
Islamabad.

**Respondent**

---

**Application Under Section 476 Cr.P.C to Proceed  
Against The Respondent Under Section 205, 209 PPC**

---

**Respectfully Sheweth :**

Regards for administration of justice make the judicial system strong as people trust in the system which makes the country stable, integrated and prosper. If the non-serious and frivolous petitions of litigants may not be discouraged with hammer of penal action within the meanings of the law ; then, the courts would become burdened with frivolous and unnecessary litigation and if these type litigations may not be buried at its inception ; then the courts would itself become the source to generate litigation and the very purpose for the establishment of the courts to spread the pleasure to the citizens of the country would be defeated. The petitioner is also laying important information for the kind actions of this Hon'able Court on the following facts and grounds:

1. That this Hon'able Court pleased to issue notices to the Respondents on 22.09.2021 and the applicant also put appearance through her counsel as she was impleaded as Respondent No.2. **Copy of court order alongwith Petition is placed as Annex-A & Annex-B.**
2. That the Respondent filed Petition on behalf of the PPRA Board having TEN (10) Board Members under Section 6 of PPRA Ordinance 2002, but there is no authorization from the PPRA Board to the Respondent as depict from the mere perusal of contents of the petition or no authority letter/resolution/minutes of meeting to file this petition are attached with the petition. The respondent did same nature wrong as earlier done by MD (PPRA) while terminating the employees exercising power as delegate of the Board and legal complications arise therefrom are yet to be resolved. Actually, the writ was required to be dismissed in limine.

3. That the Respondent raised false claim by referring the review proceedings and raising typical questions of fact of maintainability of appeal before this Court for the first time although Para 18 of PIC report dated 13.01.2021 shows the attendance of the Respondent alongwith their counsel Hafiz Arfat Ahmed Chaudhry where this objection was not raised. Legally, this kind of claim cannot be raised before the constitutional court.
4. That the Respondent committed offence under section 209 PPC by raising false claim in the court and under section 205 PPC for personating him as PPRA Board competent to file the Writ.
5. That the superior courts of Pakistan have settled principle that courts are sanctuaries meant to protect rights and liberties of citizens but not to curb and curtail the same by resorting to the process unbecoming for public litigants. Moreover, it is held in 1998 PCrLJ 1106 that Section 476 Cr.P.C. has been enacted to ensure that the stream of justice does not become polluted with impurities.
6. That the Hon'able Supreme Court of Pakistan has viewed in 1994 SCMR 1103 that High Court can itself try these kind of cases.
7. That this Hon'able Court can pass appropriate order after receiving inquiry report to proceed under provisions of law i.e. section 205, 209 PPC and Contempt of Court Law etc.
8. That this application is being moved for the enforcement of law but not for any personal reason and under the special circumstances of the case, this Hon'able Court may also order the relief.

### **PRAYER**

In view of the foregoing submissions, it is most respectfully prayed that

- i) Initial inquiry may please be requisitioned from Chairman PPRA Board against the conduct of respondent for using the authority of PPRA Board within the reasonable time specified by this Hon'ble Court.
- ii) Respondent may please further be proceeded and punished for raising false claim in the court and personating him as PPRA Board under section 205, 209 PPC.

Any other relief equitable and just to which the Petitioner may be found entitled to in the circumstances may very kindly also be granted.

**Applicant/Petitioner**

**Through**

**(Riaz Hanif Rahi)  
Advocate Supreme Court  
(CC-15965)**



H. The details of some corruption cases of Muhammad Zubair DG are as under.

S.#	Descriptions of Corruption & Corrupt Practices	Amounts reported to be Received
1.	Finance Division did not release the Project Fund to PPRA. Muhammad Zubair DG released e-Procurement Project Payments from Non-Development Fund (PPRA Fund) to Chief Software Specialist (CSS) as Salary in MP-1 Scale @ Rs.550,000/- Per Month. On 24.03.2020 Chairman PPRA Board/Secretary Finance Division directed to get MP-1 Scale approval for CSS from Ishrat Hussain Committee. But Muhammad Zubair is Still releasing Rs.550,000/- monthly illegally to CSS. Inquiry against illegal appointment of (CSS) is under process in Finance Division.	3700,000
2.	Finance Division did not release the Project Fund to PPRA. Muhammad Zubair DG (M&E), paid different Project expenditures (Advertisement etc) from PPRA's own Fund, which is illegal, unauthorised.	5,000,000
3.	He issued and uploaded on PPRA website major policy decisions vide Letter No.1(1)/MD/PPRA/ 2019 dated 09-08-2019 (while holding temporary charge of MD) without approval of PPRA Board, he allowed PEL Company Lahore and others international blacklisted organizations, firms, suppliers and contractors were allowed to take part in the procurement process in Pakistan in the (so-called) extra ordinary circumstances/exceptional cases.	15,000,000
4.	On 14-08-2019 (a public holiday) a day before expiry of his temporary charge of MD (PPRA), he issued instructions without approval of PPRA Board. It appears that he issued these instructions to oblige certain persons, firms, suppliers during his stop gap posting, without waiting for regular incumbent (MD-PPRA) on 16.08.2019.	10,000,000
5.	<b>OGDCL</b> awarded drilling contract <b>Two Billion Five Hundred Million (250)</b> against the PPRA rules to <b>Cougar Drilling Solutions Company in Balochistan</b> . NAB conducted inquiry in August 2019. He issued clarifications against the PPRA Rules to NAB than NAB closed the inquiry in view of PPRA clarification. NAB without examining legality of that (WRONG) clarification closed the case. He thus defrauded the NAB.	50,000,000
6.	He gave undue favour to certain companies in different tenders of MEPCO. PM office conducted inquiry. All record of inquiry is available in PM Office and Chairman MEPCO office.	10,000,000
7.	He granted exemptions to NADRA for five Years procurement contract with a Company in 2018 without obtaining approval from PPRA Board.	10,000,000
8.	He favoured a Company and received advance amount in a case of PHA-F Housing Scheme KUCJLAK Quetta.	10,000,000
9.	He received Special Regulatory Allowance (SRA) without the approval of Board and Finance Division, while holding temporary charge of MD.	225,000
10	He joined PPRA in connivance with dealing officer of PPRA on 01.06.2018 without having been relieved from his previous department i.e. PNRA and received the Leave Encashment from 01.01.2018 to 31.12.2018 illegally. (12-Months)	300,000
11	He approved the expenditures of Fee to Private Lawyer illegally during the Period from 17.04.2020 to 23.07.2020 without the approval of MD & PPRA Board.	495,000
	<b>Total Reported Rupces</b>	<b>114,720,000</b>

- I. At Present Muhammad Zubair DG (M&E), Muhammad Khurshid DD (Legal), Ali Temoor DD (HR) is handling all the complaints received from Prime Minister Portal and departments. These PPRA officers themselves coordinate & guide the complainants i.e. companies/suppliers/contractors to submit their clarifications/complaints to PPRA through PM Portal for technical opinion & clarifications. These complaints reach directly to above mentioned PPRA officers and they are receiving huge amounts as bribery/commission for providing the desired opinion of the tendering companies (To clear their way to award contracts to their own favourite contractors).
- J. These officers also support the different companies' suppliers/contractors against the Federal Govt, in court cases and provide them their desired replies/comments and resultantly court cases are being decided against the Federal Govt as they done in WP No.2900/2019 and WP No.3098/2018. They have received Rupees in Million per opinion/clarifications/case/evaluation report during the period from 01.07.2019 to till date.
- K. Muhammad Zubair is Head of Monitoring & Evaluation (M&E) Wing as DG (PPRA) and is holding the charge of DG (IT & R) in addition, since 21.02.2020. He has deleted the names, designation & phone Numbers of all PPRA Officers from PPRA Website. And this has been done for the reason that Muhammad Zubair is using the names of supporting staff i.e. Assistants, UDCs, LDCs and Naib Qasids etc as Assistant Director, Deputy Director and Director of M & E Wing, while issuing the letters for clarifications/opinions/advice on cases to save himself from any action against him.
- L. Muhammad Zubair, DG (PPRA) is not only issuing clarifications/opinions letters against the rules & law but also without approvals of MD (PPRA) on files with the names, signatures of M&E supporting staff as Assistant Director, Director and Deputy Director from 1<sup>st</sup> July, 2019 to till date and received More Than 25 Crore Rupees as bribe, kickbacks and as commission from different departments i.e. OGDCL, IESCO, WAPDA offices, SSGC, SNGPL, PHA, FGHA, Dte of Education, MES (Army, Navy, Airforce), KPT, FBR, and others subordinate officers of Federal Ministries/Divisions.
- M. Muhammad Zubair is not only shrewd and dishonest but has a dire hunger for authority. He tries to influence everyone in his way using all possible deadly tactics i.e. job/life threats, money/bribery, corruption etc to achieve his abhorrent motives. He used the names of Mr. Kamran Sagheer (Assistant), Owais Ahmad Toru, (Assistant), Qazi Muhammad Saleh Bin Amjad (Stenotypist), Syed Raza Ali Shah (LDC), Muhammad Umair (Stenotypist) in Monitoring & Evaluation (M&E) Wing as Assistant Director, Deputy Director and Director M&E and issued letters with the names of these supporting staff of M&E Wing without any approval on files.
- N. The above series of acts of corruption indicate that Muhammad Zubair has not only fraudulently got appointment to the Public Office but also has been misusing the official authority for illegal gains and huge amounts on account of bribery. He managed to get additional charge of head of all Wings of PPRA too, therefore he is responsible for all irregularities committed by PPRA, being head of those Wings.

CONFIDENTIAL



GOVERNMENT OF PAKISTAN  
NATIONAL ACCOUNTABILITY BUREAU (RAWALPINDI)  
CIVIC CENTRE, G-6 MARKAZ  
ISLAMABAD

نائب کا ایمان : کرپشن فری پاکستان

No.962/20/COMP/NAB /RWP

11 Sep 2020

To: The Chairman  
Public Procurement Regulatory Authority (PPRA)  
Attaturk Avenue, G-5/2  
Islamabad

Subject: COMPLAINT

Find enclosed herewith photocopies of 2 x complaint Nos. 962/20 & 1222/20 received at this Bureau. The said complaints were processed at appropriate level wherein it was decided to refer them to Chairman, PPRA, Islamabad for further necessary action, please.

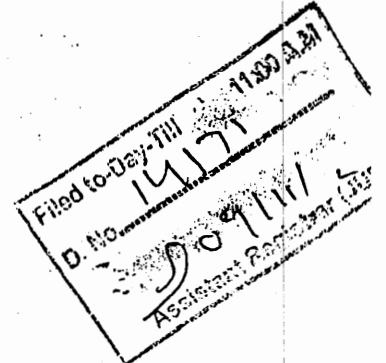
(Muhammad Saleem Ahmed Khan)  
A/Additional Director (Staff)  
For Director General  
NAB Rawalpindi  
Ph # 051- 9220827  
Fax : 051-9220832

CONFIDENTIAL

1

IN THE ISLAMABAD HIGH COURT, ISLAMABAD

Writ Petition No. 3364 / 2020



Siddique Sons Engineering (Pvt) Limited, having its registered head office at Block B3 Gulberg III, Lahore, Punjab, through its authorized representative.

For Private Use

PETITIONER....

Versus

02 MAR 2021  
Examiner  
Copy Supply  
Islamabad High Court  
Islamabad

1. Federation of Pakistan, through Ministry of Finance, through its secretary, Islamabad
2. Public Procurement Regulatory Authority, through its Chairman, having its Head office at 1st Floor, Federal Bank for Cooperatives Building, Ataturk Ave, G-5/2 G-5, Islamabad, Islamabad Capital Territory.
3. Islamabad Electric Supply Company, through its Chief Executive, having its registered Head office at 4 street 40, G-7/4, Islamabad Capital Territory
4. Chief Engineer Development, Islamabad Electric Supply Company, 4 street 40, G-7/4, Islamabad Capital Territory
5. Deputy Manager (GSO/MM), Islamabad Electric Supply Company, 4 street 40, G-7/4, Islamabad Capital Territory
6. Manager (Procurement) Project Management Unit, Islamabad Electric Supply Company, 4 street 40, G-7/4, Islamabad Capital Territory

RESPONDENTS....

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF  
ISLAMIC REPUBLIC OF PAKISTAN

1

IN THE ISLAMABAD HIGH COURT, ISLAMABAD

CM No. 3842 / 2020

In

Writ Petition No.3364/2020

Siddique Sons engineering

Versus

Federation of Pakistan and others

APPLICATION UNDER SECTION 151 OF THE CODE OF CIVIL PROCEDURE  
1908, FOR PASSING OF APPROPRIATE ORDERS

Respectfully Submitted:

1. That the contents of the Accompanying Writ Petition may kindly be read as an integral part of the instant application.



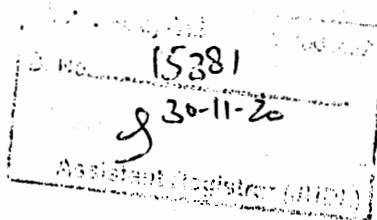
2. That the petitioner has filed the above captioned Writ Petition in which the Honorable Court had vide its order dated 10.11.2020, issued notices to the Respondents and fixed the case for 17.11.2020. On the said date the Honorable Court was not available and thus presently no date of hearing has been fixed.

3. That the Petitioner had through the instant Petition sought the indulgence of this Honorable Court, to declare the notification dated 9<sup>th</sup> August 2019, issued by the Respondent no.2, as Ultra Vires the Constitution and also in violation of the Public Procurement Regulatory Authority Ordinance, 2002 and Rules 2004, and thus not binding on the Respondent no.3. Further, the Petitioner had also sought the indulgence of this Honorable Court, to restrain the Respondent no.3 from declaring the Petitioner as technically non-responsive on the basis of the notification dated 9<sup>th</sup> August 2019, until further orders by this Honorable Court

Certified to Be True Copy

02 MAR 2021

Enrolled  
Copy  
Authorised Under Order 1984  
Qanoon-e-Shahadat  
Islamabad High  
Court  
Islamabad



and to allow the Petitioner to participate in the tenders, unless otherwise directed by this Honorable Court.

4. That subsequently, on 20.11.2020, the Respondent no.3 has issued its evaluation report pertaining to the Tender No. PMU/IESCO/NCB-55/2020-2021, whereby the Petitioner was declared as technically non-responsive for the reason that its manufacturer had been blacklisted by the African Development Bank and therefore ipso facto the Petitioner was also resultantly declared as technically non-responsive and excluded from the tender process.

*(Evaluation Report dated 20.11.2020 is attached herewith as Annexure – A)*

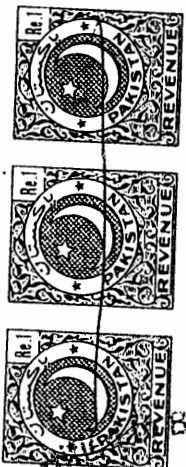
5. That the Respondent no.3 had neither followed any procedure nor the mandatory provisions of the Public Procurement Regulatory Authority Rules 2004, particularly Rule 19, nor its own Blacklisting policy appended with the Tender documents. Particularly, no opportunity of hearing was provided to the Petitioner, nor due process as contemplated in the Respondent no.3's own blacklisting policy was followed and furthermore, no notice to this effect was provided to the Petitioner.
6. That it is also important to note that the Notification of 9<sup>th</sup> August 2019 is discriminatory and unfair in its own right. Such a conclusion stems from the fact that the competitor of the Petitioner, operating at a national scale with the name 'Pak Elektron Limited (PEL)' had also been blacklisted by the World Bank in 2018, whereas the Petitioner's manufacturer was blacklisted in July 2020. The discrimination lies from the fact that vide the notification of 9<sup>th</sup> August 2019, it was stipulated that all firms blacklisted by any International Organization after 14<sup>th</sup> August 2019 shall be deemed to be blacklisted in Pakistan. Such a step to specify the date of 14<sup>th</sup> August clearly shows that the policy was discriminatory in nature intended to provide benefit to certain quarters, whilst severely prejudicing the rights of all other parties. Resultantly, the Petitioner who is not himself blacklisted has been excluded from participating in the tenders, whereas PEL which is itself directly blacklisted by the World Bank is allowed to participate in all public tenders in Pakistan. Such a discriminatory exercise of public powers resulting in discriminatory/differential treatment to similarly placed persons in the



same set of circumstances, is thus in complete contrast to the fundamental rights enshrined in the Constitution of Pakistan, and also against the principles of fairness and equity.

*(Black Listing Reports / Articles are attached herewith as Annexure B)*

7. That the fact that the notification of 9<sup>th</sup> august 2019, stipulates the date of 14<sup>th</sup> august as the date of effect, finds no justification whatsoever. It may be claimed that such a policy was introduced as to comply with international agreements, however the Islamic Republic of Pakistan is not a party to any such agreement that create a binding obligation to cross debar firms in clear violation of the PPRA Rules 2004 and the PPRA ordinance 2002.
8. The declaration that the Petitioner is technically non-responsive is wholly unwarranted and illogical. In terms of the project, and as stipulated in the terms and conditions of the tender documents, it is the Petitioner who is wholly responsible for the completion of the project and also as to the quality of the work done, and in relation to the entire aspects of the project. The manufacturer is merely responsible for providing the goods, for which the responsibility and any liability would also be incurred by the Petitioner. Further, the inspection reports provided by the Manufacturer are forwarded to the procuring agency which are approved by it and only after such approval could the Petitioner participate in the bidding process under the authorization of the manufacturer. The petitioner as per the tender documents is also required to furnish securities so as to guarantee the timely and proper execution of the project. Thus, the blacklisting of the Petitioner's manufacturer should have no impact upon the project, which is locally funded by the Respondent no.3. and thus, no international obligations exist in the circumstances. Even otherwise, this is a settled practice followed by all the procuring agencies over time with positive results.
9. That the Respondent no.2 seemingly claims that it had by virtue of the "Financing Agreement" executed between Islamic Republic of Pakistan and International Development Association, issued the notification dated 9<sup>th</sup> August 2019, to debar firms. Specifically, the Respondent no.3 seemingly on the basis of Disbursement Linked Result (DLR) 3.1. A perusal of the said agreement, and DLR 3.1. shows that under the Agreement, the Respondent no.2 was to approve a notification for



02 MAR 2021

Cop  
Authoris  
Qanoon-e  
Islam

Ex-  
ST of  
Court



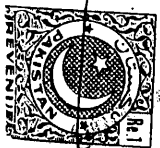
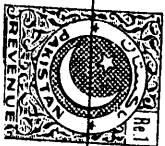
amendment in the Rules 10, 19, 24 and 33 of the PPRA Rules 2004 till June 2018, whilst nowhere else in the agreement is it stated that Respondent no.2 shall create a mechanism for debarring all those firms which have been blacklisted by any international agency nor any commitment was made by Islamic Republic of Pakistan for cross debarment. Moreover, the Respondent no.2 had held its 42<sup>nd</sup> Board meeting on 14.09.2020, whereas the agreement cited above stipulated that reforms shall be made till July 2018, in the circumstances the Respondent no.2 had itself admitted that the notification of 9<sup>th</sup> August 2019, was a stop gap arrangement. In the circumstances where the Respondent no.2 itself has admitted before various forums that the notification dated 9<sup>th</sup> August 2019 was a stop gap arrangement, and that it had proposed amendments in the Rule 19 of the PPRA rules 2004, then in the circumstances it is inherent that the Respondent no.3 does not have any authority to issue notification in violation of the Rule 19 of PPRA Rules 2004, as they same are still in force until the proposed amendments are accepted. It must also be noted that the Respondent no.2 does not even possess the authority to issue stop gap arrangements as done in the instant case.

*(The Proposed Amendments issued by Respondent no.2 are attached as Annexure C)*

10. That the Respondent no.3 by declaring the Petitioner as technically non-responsive, and declaring some other firm as technically responsive, is proceeding to finalize the tender to the exclusion of the Petitioner, and thus in the circumstances the Petitioner would suffer irreparable loss and injury if the Tender No. 55 is finalized without the final adjudication of the instant petition. The balance of inconvenience also lies in favour of the Petitioner. Hence, the Petitioner has no other remedy but to invoke the jurisdiction of this Honorable Court.

#### Prayer

Therefore, it is most respectfully prayed, that this Honorable Court may kindly set aside the Evaluation report dated 20.11.2020, and restrain the Respondent no.3 from finalizing the tender No. 55 or proceeding any further in this regard until the final adjudication by this Honorable Court.



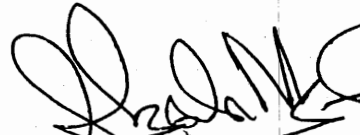
Cor  
Autho  
Qanoon  
15/11/20



Any further relief which this Honourable court deems fit and appropriate may also be granted in the given circumstances.

  
Applicant/Petitioner

Through: -



**Shezada Mazhar**

Advocate Supreme Court

**Mazhar Law Associates**

Suite # 427, Executive Floor,  
Sadiq Plaza, The Mall, Lahore

Certified to Be True Copy

02 MAR 2021

Examiner  
Copy Supply Section  
Authorized Under the 87 of  
Qanoon-e-Shahadat Order 1984  
Islamabad High Court  
Islamabad

Attorney General  
COPY RECEIVED  
Date 30.11.2020  
Islamabad





**No.1(01)/MD/PPRA/2019**  
**Government of Pakistan**  
**Public Procurement Regulatory Authority**  
**(Cabinet Division)**

**Engr. Muhammad Zubair**  
**Managing Director**  
**Tel: 051-9224824**  
**Fax: 051-9224823**

Islamabad, the 9<sup>th</sup> August, 2019

**Subject: Blacklisting / Debarment by International Organizations**

**Dear Secretary;**

It has been observed that firms, suppliers and contractors blacklisted/ debarred by the International Organizations on account of having been found indulged into corrupt or fraudulent (including collusive, coercive and obstructive) practices are taking part into the procurement processes in Pakistan. In exercise of the powers conferred by Section-5 of PPRA Ordinance, 2002, the Authority may take such measures and exercise such powers as may be necessary for improving governance, management transparency, accountability and quality of public procurement. The subject of blacklisting is also under review in the on-going exercise of Revision of Public Procurement Regulatory Framework-2019, however keeping in view of the experience feedback; following instructions are being issued as a stop gap arrangement:

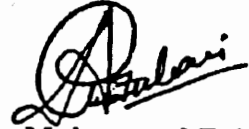
- 1) *All those firms, suppliers and contractors blacklisted/ debarred by the International organizations shall be treated as blacklisted/ debarred and ineligible to participate in any public procurement process carried out by the Procuring Agency as defined under section 2(j) of PPRA Ordinance, 2002. However, in extraordinary circumstances and in exceptional cases; upon the request of such firm(s) etc.; wherein the Authority is of the opinion that the just cause and reasons exist; the Authority may evaluate the case(s) in the light of verifiable available record, and decide accordingly, and the decision thereof shall be considered as final.*
- 2) *Moreover, in cases of blacklisting/ debarment of firms, suppliers and contractors by International Organizations on the basis of consistent failure or unsatisfactory performance, the cases shall be evaluated by the Authority on the*

*request of such firm(s) etc. After examination of the record and due deliberations, the capacity of the firm(s) shall be analysed and decision shall be made whether or not to allow such firm(s) to participate in future public procurements. The Authority may restrict the respective firm(s) etc. to the extent of such quantum, value, nature and category of procurement in accordance with analysed capacity of the firm(s) etc.; so as to avoid or minimize the probability of such performance failure in future procurements. In case of engineering goods, works and engineering design/consultancy services, the opinion of Pakistan Engineering Council (PEC) may be sought.*

2. The applications for above-mentioned cases shall be entertained after depositing the prescribed fee as may be determined by the Authority from time to time.
3. These instructions shall have taken effect on all those firms blacklisted/ debarred on or after 14<sup>th</sup> August 2019.

With best regards,

Yours sincerely,



(Engr. Muhammad Zubair)

**All Federal Secretaries/Heads of Organization**

Copy to:

Chairman Pakistan Engineering Council

**ORDER SHEET**  
**IN THE ISLAMABAD HIGH COURT, ISLAMABAD.**  
**JUDICIAL DEPARTMENT.**

W.P. No.2203-2020

Ejaz Rasool

Vs.

Federation of Pakistan etc.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	17.08.2020	Hafiz Munawar Iqbal, Advocate for petitioner.

Through the instant petition, the petitioner seeks direction to respondent No.1 to decide the pending representation, filed by him, with respect to appointment of Muhammad Zubair, Director General (M&E), Public Procurement Regulatory Authority (PPRA), Islamabad.

2. Learned counsel for the petitioner, *inter alia*, contended that petitioner had challenged the appointment of respondent No.5 namely Muhammad Zubair, Director General (M&E), Public Procurement Regulatory Authority (PPRA), Islamabad before respondent No.2, however, it was contended that competent authority is the Secretary, Cabinet Division. It was contended that representation was referred to respondent No.1. Learned counsel contended that he shall be satisfied if direction is issued to respondent No.1 to decide the pending representation.

3. The request made by learned counsel for the petitioner is just and proper therefore is allowed; consequently, instant petition is disposed of with direction to Secretary, Cabinet Division, Islamabad to decide the pending representation of the petitioner, if any, with respect to appointment of Muhammad Zubair, Director General (M&E), Public Procurement Regulatory Authority (PPRA), Islamabad expeditiously preferably within a period of four weeks from the date of receipt of this order.

Certified to be True Copy

21 AUG 2020

Examiner  
Copy Section  
Authorized under Article-87 of  
Qanoon-e-Sadrat Order 1984  
Islamabad High Court  
Islamabad

sd  
(AAMER FAROOQ)  
JUDGE

# IN THE ISLAMABAD HIGH COURT

Writ Petition No. 2203 /2020

Ejaz Rasool, S/o Faiz Rasool, House No. 212, Street No.12, Shamsabad  
Murree Road Rawalpindi.

.....Petitioner

## **VERSUS**

1. Federation of Pakistan, through Secretary, Cabinet Division, Cabinet Block, Islamabad.
2. Chairman, PPRA Board/Secretary, Finance Division, Q-Block Pak-Sectt, Islamabad.
3. The Board-Public Procurement Regulatory Authority (PPRA), through its Chairman, PPRA Board/Secretary, Finance Division, Q-Block Pak-Sectt, Islamabad.
4. Managing Director, Public Procurement Regulatory Authority (PPRA) FBC Buildings, 1<sup>st</sup> Floor, Sector G-5/2, Islamabad.
5. Muhammad Zubair, Director General (M&E), Public Procurement Regulatory Authority (PPRA) Sector G-5/2, Islamabad.

.....Respondents

## **WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN, 1973**

### **RESPECTFULLY SHEWETH:**

1. That the Petitioner is a responsible, respectable and law-abiding citizen of Pakistan. The Petitioner believes in Rule of Law, Equality and Fair-play and therefore as a concerned citizen cannot condone illegal and unconstitutional acts and omissions on the part of public functionaries as well as the persons who are beneficiaries of such illegalities and unconstitutional acts by way financial gains and also by usurpation of public offices causing loss of millions of rupees to the public exchequer which is a sacred trust with such public office-holders and functionaries of the State.
2. That the, Respondent, Authority, (Public Procurement Regulatory Authority (PPRA)) has been established through Ordinance No.XXII Of 2002 dated 15<sup>th</sup> May, 2002. Section 6(1) of the Ordinance sums up the General direction and administration of the Authority, which states that :

"General directions and administration of the Authority and its affairs shall vest in a Board which may exercise all powers, perform all functions and do all acts and things which may be exercised, performed or done by the Authority"

Red to Day-Till 11:00 A.M.

9238

1 15/82

Muhammad Zubair

3. The Petitioner as a concerned citizen seeks to lay before this Court information regarding illegal appointment of Muhammad Zubair, Director General (M&E), (Respondent No.5). The petitioner submitted application dated 11.06.2020 (Annex-A) to Secretary, Finance Division/Chairman PPRA Board, (Respondent No.2) which is reproduced as under.

Secretary Finance/  
Chairman PPRA Board,  
M/o Finance, Islamabad

Islamabad, the 11<sup>th</sup> June, 2020

Subject: REPRESENTATION AGAINST APPOINTMENT AND MALPRACTICES OF D.G (M&E), PPRA (Mr. Muhammad Zubair)

It is submitted before your kind office that PPRA published an advertisement for recruitment of employees on 14-10-2017. (Annex-I). (Closing date: 29-10-2017)

2. According to the advertisement, PPRA, amongst other officials, required to appoint 05 X Director General possessing different technical / managerial qualifications and experiences as heads of its 05 Wings. The requisite criteria as advertised for each position is being reproduced below;

Name of post	Prescribed Qualification and Experience
Director General (HR) PPG-4/BS-20	i. MA/Msc degree (16 years education) at least 45% marks in HRM/HRD/ Psychology/business administration or equivalent from HEC recognized university. ii. Minimum 17 years post qualification recognized and verifiable experience in the relevant field.
Director General (Finance) PPG-4/BS-20	i. MA/Msc degree (16 years education) at least 45% marks in Business Administration (Finance), commerce or equivalent from HEC recognized university. ii. Minimum 05 years recognized experience in BS-19/equivalent or above in Govt / Autonomous body in relevant field.
Director General (Legal) PPG-4/BS-20	i. Minimum LLB degree (16 years education) at least 45% marks or equivalent from HEC recognized university. ii. Minimum 05 years recognized experience in BS-19/equivalent or above in Govt./ Autonomous body in relevant field.
Director General (M&E) PPG-4/BS-20	i. Minimum BE/BSc degree (civil, electrical, mechanical) or MA/MSc (16 years education) at least 45% marks or equivalent from HEC recognized university. ii. Minimum 17 years recognized and verifiable post qualification experience in the relevant field.
Director General (IT& Research) PPG-4/BS-20	i. Minimum MSc degree (16 years education) at least 45% marks in computer science, information technology, software engineering or equivalent from HEC recognized university. ii. Minimum 17 years recognized and verifiable post qualification experience in the relevant field.

Certified to Be True

3. As is evident from the above description, the minimum required recognizable and verifiable post qualification experience for the Post of Director General (DG) (M&E) was 17-Years in relevant field. But unfortunately, D.G (M&E) namely Mr. Muhammad Zubair, while manipulating, misrepresented the correct information in respect of his recognized and verifiable post qualification experience as well as other testimonials, whereas he passed his B.Sc (Civil) dated 17.03.2001 (Annex-II). Similarly the website of Pakistan Engineering Council (PEC) also reflects the Passing Year of B.Sc (Civil) of Mr. Muhammad Zubair as 2001 (Annex-III).

Examiner  
Copy Supply Section  
Under Article 87  
Shahadat Order 1988  
Islamabad High Court  
Islamabad

21 AUG 2020

4. Muhammad Zubair, DG (M&E) does not possess recognizable and verifiable Post-Qualification Experience of 17-Years after attaining the required qualification on 17.03.2001. His total short experience is 12-Months and 23-Days from 17.03.2001 to 29.10.2017.

5. Furthermore, Muhammad Zubair was a BS (18) officer of Pakistan Nuclear Regulatory Authority (PNRA), who in alliance with Mr. Ali Temoor, Deputy Director (HR), PPRA, managed to notify his joining in PPRA w.e.f. 01.06.2018 without relieving from previous department i.e. PNRA. (Annex-IV).

6. Muhammad Zubair does not have requisite experience to hold the post of D.G (M&E), he always, during the course of his service, remained involved in nefarious designs to occupy the posts of DG (HR) and D.G (IT). Even though he does not have any HR, IT related qualification and experience to hold the posts of DG-HR (Annex-V) and DG-IT (Annex-VI). He not only been succeeded to achieve his ulterior motives but also managed to occupy the post of ED, PMU of e-procurement project (Annex-VII).

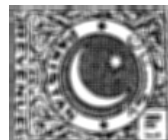
7. He is involved in illegal practices to gain financial benefits out of his ulterior motives which is evident from mishandling of e-procurement project wherein activities have been started in haphazard manner without even preparation and approval of PC-I from the relevant authorities.

i. Hiring of e-procurement consultant firm in an arbitrary manner to favor a particular firm, wherein, technical marks obtained in pre-qualification process were carried forward to subsequent tendering process which is unprecedented and against any norm of transparency.

ii. Even there is No PC-I or Project funding available Mr. Muhammad Zubair has managed to appoint his close friend Mr. Muhammad Tariq Javed Khan (BSc Civil Engineering) in PPRA as Chief Software Specialist, who is receiving heavy amount in the form of remuneration out of PPRA funds.

iii. PPRA has not received any fund from Finance Division for e-procurement project activities since 2017. Muhammad Zubair has managed to establish a PMU of the project without any PC-I by misleading the PPRA Board. Further, he managed to get additional charge of the Executive Director of PMU and planning to get Project Allowance in addition to his salary w.e.f. 01-01-2020.

8. The verification of his educational documents as well as his work experience is still awaited and is mandatory to be verified to confirm the statements vide para # 3/N under the clause 12 of PPRA advertisement dated 12.10.2017, which states that Information provided in application form will be verified in case of offer of appointment. In case of any false and forged information, PPRA reserves the rights to cancel the candidature at any stage (even after employment if so discovered later) and to initiate legal action against the applicant."



Certified to Be True Copy

21 AUG 2018

PRAYER :

"It is prayed that an inquiry be initiated against Mr. Muhammad Zubair, DG (M&E) through following points **under clause 12** of the advertisement dated 14-10-2017.

- (a) To verify his credentials and in case of wrong/bogus information, the employment of accused be cancelled. Moreover, necessary proceedings under the relevant law be initiated against him to meet the ends of justice.
- (b) The matter of mishandling the E-Procurement Project and illegal appointment of Chief Software Specialist may be referred to the relevant authorities for proper investigation and further proceeding"

**Ejaz Rasool**

S/o Faiz Rasool,

NIC No.37406-1633928-9. Rawalpindi

4. PPRA is distributed in five Wings i.e. HR, Finance, Legal, IT & M&E, for effective management. Muhammad Zubair through manipulation, managed to holds charge of DG (HR), DG(IT), Executive Director (PMU) and DG (M&E). Though he does not fulfill the qualification as mentioned below:-

(i) Under PPRA Regulations notified vide SRO No. 79 (1) 2017 dated 6<sup>th</sup> February, 2017, the qualification for the post of Director General (HR) is as under :-

- MA/MSc degree (16 years education) at least 45% marks, in HRM/HRD/Psychology/Business Administration or equivalent from HEC recognized University.
- Minimum seventeen years Post qualification recognized and verifiable experience in the relevant field.

Muhammad Zubair is a degree holder in BSC engineering (Civil) and does not have the above qualification and experience to hold the post of DG (HR). He however managed to get charge of the post w.e.f. 21.02.2020 without approval of Secretary Finance (Chairman PPRA Board) and Secretary Cabinet (the Principal Accounting Officer - PAO). He is still holding all the charge unlawfully. There is no rule allowing additional charge arrangement beyond Three Months subject to fulfillment of other qualifications and with



Notified to Be The approval of the competent authority.

(ii)

The qualification for the post of Director General (IT & Research) is as under:-

- Minimum MSc degree (16 years education), at least 45% marks, in computer science, Information technology, software engineering or equivalent from HEC recognized University.
- Minimum seventeen years recognized and verifiable post qualification experience in the relevant field.

AUG 2020

Examiner  
Supply Section  
Under article-87 of  
the Civil Order 1984  
and High Court  
is attached



5

Muhammad Zubair does not possess the above qualification/experience and managed to get the charge of reporting officer of DG (IT & Research) for indefinite period w.e.f. 21.02.2020 despite lack of qualifications and without approval of the appointing authority.

- (iii) Muhammad Zubair, DG (M&E) also holds the position of **Executive Director (Project Management Unit (PMU))** without the approval of PC-1 from PPRA Board & Planning Commission. The terms & conditions of ED (PMU) are not approved by PPRA Board.

**The e-procurement project involved IT Software/Hardware and Networking. Muhammad Zubair does not possess the relevant qualification/experience to be give charge of Executive Director (PMU), PPRA.**

5. That the PPRA (Public Procurement Regulatory Authority) is functioning under the administrative control of Cabinet Division (Respondent No.1) through the decision of Federal Govt, circulated vide Memorandum No.7-2/2016-Min-1 dated 29.07.2019. (Annex-B)

6. That the Clause 2(1) of PPRA Employees Service Regulations 2017 states that "Appointing Authority" means the Board of the Authority. (Annex-C) Similarly, Clause 13 of the Regulations, (Annex-C-1) "states that the authority competent to make appointment to various posts shall only be the PPRA Board" Section 16 of General Clauses Act 1897, states that "Power to appoint to include power to suspend or dismiss" Moreover it has already been established vide the Honorable Supreme Court of Pakistan Judgment 2013 SCMR 1159 that the powers of a Board or Authority cannot be delegated further in any case.

7. That reportedly the Respondent No.2 (Chairman PPRA Board/Secretary Finance Division) sent the Petitioner's application dated 11.06.2020 to Respondent No.1 (Secretary, Cabinet Division) for views/comments of Respondent No.4 MD (PPRA) vide letter No.1093-DS-Exp (Cabinet/PPRA/2020 dated 06.07.2020. (Annex-D)

Certified to be true copy

21 AUG 2020

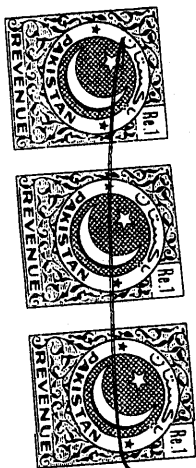
Examiner  
Copy Sup  
Dated 21/08/2020  
At Islamabad

8. That Respondent No.2 (Chairman PPRA Board/Secretary Finance Division) is not taking interest to initiate the inquiry proceedings against Respondent No.5 (Muhammad Zubair) BS-20/PPG-4 as per law through constitution of inquiry committee with the approval of PPRA Board. Section 18 (1) of PPRA Ordinance 2002 empower the Board to make/ approve appointments in PPRA.

9. That the **Respondent No.5 (Muhammad Zubair)** is BS-20 officer. Therefore, Inquiry against any BS-20 Officer can only be conducted through a senior officer i.e. any officer of BS-21/22. Currently No BS-21/22 officer is available in PPRA to conduct the inquiry of i.e. **So, the Secretary Finance/ Chairman PPRA Board should arrange conduct of inquiry by appointing a BS-21 officer as Inquiry Officer.**

10. That the **Respondent No.4 MD (PPRA)** can assist only to any inquiry committee through provision of relevant documents/record to any inquiry committee. He is not competent to initiate or take part in any inquiry committee as Member or to gives comments/view on illegal appointment of **Respondent No.5 (Muhammad Zubair, DG (M&E),** because Respondent No.4 MD (PPRA) himself is party to the illegal appointment of Respondent No.5 being member of Selection/HR committee (Annex-E) of Respondent No.5 (Muhammad Zubair) DG (M&E), in 2018. He also granted additional charge of DG(HR), DG(IT) and Executive Director (PMU) posts to Muhammad Zubair (Respondent No.5) despite lack of qualification/experience. So, MD PPRA (Respondent No.4) is not a suitable officer to conduct an inquiry against appointment of Muhammad Zubair. Similarly, sub ordinate officers of BS-19 and BS-18 of PPRA cannot play any role to offer comments against their bosses because at present all BS-18 and BS-19 Officers in HR Wing, IT & Research Wing, Training Wing and Monitoring & Evaluation Wing are reporting directly to Muhammad Zubair (Respondent No.5).

11. That Section 6(1) of PPRA Ordinance 2002 provides that General directions and administration of the Authority and its affairs shall vest in a Board. (Annex-F) Therefore, **Respondent No.2 (Chairman PPRA Board/Secretary Finance Division)** being appointing authority is the competent authority to approve the inquiry committee against the BS-20/ PPG-4 Grade officer of PPRA i.e. **Respondent No.5 (Muhammad Zubair).**



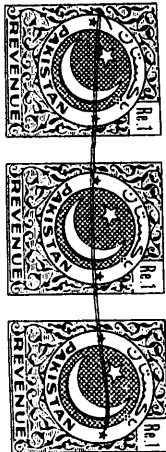
Certified to Be True Copy

## **GROUND S**

That the Petitioner is guaranteed and entitled for Fundamental Rights as contained in Chapter 1 of Part II of the Constitution of the Islamic Republic of Pakistan as well as entitled to be dealt in accordance with law under due process of law for equal treatment, enjoyment and protection of all such Fundamental Rights including earning of their livelihood through lawful means.

21 AUG 2020  
Islamabad

- B. That the Petitioner is a loyal citizen of the Islamic Republic of Pakistan and obeying the law and the Constitution as provided in Article 5 of the Constitution which provides that "5. **Loyalty to State and obedience to Constitution and law** :- (1) Loyalty to the State is the basic duty of every citizen. (2) **Obedience to the Constitution and law is the inviolable obligation of every citizen** wherever he may be and of every other person for the time being within Pakistan." Thus, it is public duty reposed on the Petitioner to point out irregularities and illegalities committed by different public authorities to save usurpation of public offices.
- C. That all appointments under the Federal Government in its Ministries, Divisions or Departments, etc., are required to be made in accordance with law and rules transparently, competitively and on merit based according to prescribed standards as provided in the relevant Recruitment Rules and any appointment in violation of such Recruitment Rules is liable to be set aside and terminated forthwith.
- D. That the impugned appointment of Muhammad Zubair, DG (M&E) Respondent No. 5 does not possess recognizable and verifiable Post-Qualification Experience of 17-Years after attaining the required qualification on 17.03.2001 as contained in the Advertisement at as well as in the Appendix-2 of PPRA Service Regulations which is as under :



S. No.	Qualification and Experience	Age Minimum	Age Maximum
(i)	Minimum B.E/BSc degree (civil, electrical, mechanical) Or MA/Msc Procurement (16-Years education) at least 45% marks or equivalent from HEC recognized University.	35	47
(ii)	Minimum Seventeen Years recognized verifiable post qualification experience in relevant field.		

As per FPSC General Instructions, **(Annex-G)** Period reckonable as post qualification experience is from date of commencement of experience which essentially must be after date of attaining the qualification (counted after the result of requisite qualification is officially announced by the Controller of Exam of a Board/University concerned) till the closing date. **The experience as part time, honorary/self-employed and apprentice/internee will not be considered /counted as experience.** Muhammad Zubair, DG (M&E) Respondent No. 5 submitted trainee work experience for the Period from 26.05.2003 to 31.01.2004, **(7-Months 6-Days)** which cannot be considered as Post Qualification Experience. .

Certified to Be True Copy

21 AUG 2020

Authority  
Signature

Section  
No. 87 of  
G.O.  
G.O.

8

E. That the Petitioner has fulfilled his constitutional duty and legal obligations to bring the matter regarding violation of law, misuse of public office, authority, discretion as well as usurpation of a public office upto the extent of information available with the Petitioner, however, it is constitutional and legal obligation of this Honorable Court to **exercise its inquisitorial jurisdiction under Article 199(1)(b)(ii)** and direct the Respondent No. 1 to 4 for provision of all necessary documents and records, to investigate the matter and conduct necessary a thorough inquiry to assist this Honorable Court in performance of its inquisitorial functions in the best national interest and for doing substantial justice in the matter. The Honorable Supreme Court of Pakistan in its judgment reported as **Muhammad Shahban Vs Falak Sher [2007 SCMR 882]** held as under:

"Judge must wear all the laws of country on the sleeve of his robe. Failure of counsel to properly advise Judge would not be a complete excuse in the matter. Muhammad Sarwar's Case [PLD 1969 SC 278] and Raja Mahayun Sarfraz Khan Vs. Nor Muhammad [2007 SCMR 307] were referred. [Note F – Page 886]."

F. That in this way the exercise of power the Respondent No. 2, 3 and 4 is in violation of the Advertised conditions which is in the light of Recruitment Rules of the post of Director General (BPS-20) and when there is violation of the said Recruitment Rules then the appointment of the Respondent No. 5 is usurpation of a the public office and also not in conformity with relevant Recruitment Rules and is without authority "*coram non judice*" and being as such is void *ab initio* and void order binds none and particularly when the same are without lawful authority i.e. *coram non judice* as held by the Honourable Supreme Court of Pakistan in PLD 1958 SC (Pak.) 104 [Yousaf Ali v. Muhammad Aslam Zia] as under :

"Where the Legislature clothes an order with finality, it always assumes that the order which it declares to be final is **within the powers of the authority making it**, and no party can plead as final and an order made in excess of the powers of the authority making it, in the eyes of the law such order being void and non-existent. And if on the basis of a void order subsequent orders have been passed either by the same authority or by other authorities, the whole series of such orders, together with the superstructure of rights and obligations built upon them, must, unless some statute or principle of law recognizing as legal the changed position of the parties is in operation, fall to the ground because such orders have as little legal foundation as the void order on which they are founded."



- G. That in judgment reported as **PLD 2012 SC 132 [Muhammad Yasin Vs Federation of Pakistan i.e. Chairman OGRA's Case]**, the Honorable Supreme Court of Pakistan has also ordered recovery of salary while also directing the Chairman, NAB to conduct an inquiry regarding misuse of public office and the involvement of holders of public office in corruption or corrupt practices in terms of National Accountability Ordinance and is similar is the situation in instant case and similar relief is also prayed in the matter.
- H. That the DG (IT & R) PPRA also highlighted the illegal appointment of Respondent No.5 (M. Zubair) through letter dated 20.05.2019.
- I. That the Respondents are public functionaries, and as such their acts and discretion to be exercised is to be structured and bound by the dictates of law. The Hon'ble Supreme Court has time and again laid down golden principles for exercise of structured discretion by public functionaries. However the instant case, is yet again, a reminder of exercise of discretion at whims. Exercise of discretion has to be based on open policies, open reasons and should have direct nexus with the objective to be achieved (reliance is placed on 2015 SCMR 630 and 1997 SCMR 641).
- J. That under Article 199 of the Constitution of Pakistan, the Courts have the powers of judicial review of administrative decisions. That, hence under Article 199 the Authority is bound to justify its actions. The appointment of the respondent no.5 on the basis of fake documents, vague reason and without justifying the appointment, which is a violation of Article 24 and 24-A of the General Clauses Act, as mere mention of the same is not sustainable in law.
- K. That the Impugned appointment is fanciful, arbitrary, whimsical, and has been issued keeping in mind extraneous considerations, therefore is liable to be set aside, and to be declared as illegal, null and void and void ab initio. The fundamental rights of the Petitioner's guaranteed by Article 4, 9, 25 and 38 of the Constitution of Islamic Republic of Pakistan, 1973, have been violated qua the appointment of the respondent no. 5.
- L. That, the Petitioner, seeks leave to raise further grounds at the time of submissions before this Hon'able Court.
- M. That there is no other equally efficacious or adequate remedy available to the petitioner hence this constitutional petition.

Certified to Be True Copy

21 AUG 2020

At Islamabad  
 District Court  
 Islamabad  
 1984

## PRAYER

IT IS RESPECTFULLY PRAYED THAT the Instant Petition may graciously be accepted, and;

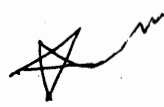
1. An appropriate Writ be issued to the **Respondent No.2 (Chairman PPRA Board)** while directing to decide the Petitioner's Representation dated **11.06.2020** within reasonable time on merit to meet the end of justice.
2. The cost of this constrained litigation through this Writ Petition for protection of legal and Fundamental Rights of the Petitioner as well as the citizens of Pakistan may also be awarded.

Any other relief may also be granted which court deems fit and proper to meet the end of justice.



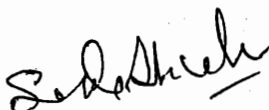
**Hasnain Raza**  
Advocate High Court  
0332-4195260

Through



**Petitioner**

**Syed Pervez Zahoor**  
Advocate Supreme Court



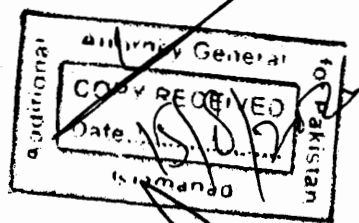
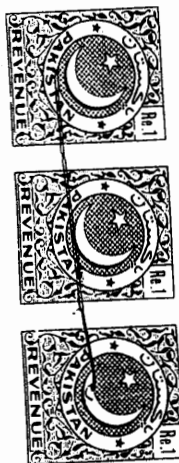
**Sardar Abdul Wahab Farid,**  
Advocate High Court,

**First Certificate:** It is certified as per instructions that this is the first writ petition against the illegal appointment of Respondent No.5 (Muhammad Zubair DG M&E) PPRA by Petitioner ; and no other on the subject matter is pending before any forum filed by the petitioner.

**Second Certificate:** It is certified that this petition has arisen from violation and non-fulfillment of obligations under the Constitution of Islamic Republic of Pakistan, 1973 and that no other adequate remedy is available to the Petitioners.



**Counsel**



**RECEIVED**  
Office of the Advocate General  
Islamabad Capital Territory  
Islamabad

*certified to be True Copy*

21 AUG 2020

Copy Supp  
Authorized Under  
Respondent's Order  
Islamabad High Court  
Islamabad

## ہیپرائس 35 غیر قانونی ہجرتیوں کخلاف کس، سماعت 5 مئی تک ملتوی

Apr 27, 2021



اسلام آباد (دقائق نگار) ہیپرائس 35 غیر قانونی ہجرتیوں کے خلاف کس کی سماعت 5 مئی کو اسلام آباد ہائی کورٹ میں ہوگی۔ عدالت عالیہ کے جسٹس محسن اختر کیانی نے گزشتہ سماعت پر ایم ڈی ہیپرائس کو معاملے کی انکوائری کر کے رپورٹ عدالت میں جمع کرانے کا حکم دیا تھا۔ درخواست گزار مشتاق احمد نے کاشف علی ملک ایڈووکیٹ کے ذریعے دائر درخواست میں موقف اختیار کیا تھا کہ ہیپرائس مختلف ادوار میں 35 افراد کو قواعد کے برعکس ہجرتی اور ریگولر انزیا کیا گیا۔ 24 افراد کو اشتہار اور سابقہ عمل کے بغیر اقربا پروری اور سیاسی بنیادوں پر ہجرتی کیا گیا۔ ہیپرائس کو پراجیکٹ کی مدت مکمل ہونے کے بعد رکھا گیا جبکہ پی سی بی میں پراجیکٹ کو ریگولر سائڈ پر منتقل کرنے کی گنجائش ہی نہ تھی۔ دیگر پانچ افراد کے عہدوں میں تبدیلیاں کر کے ان کی اپ گریڈیشن اور پروموشن کی گئی۔ گزشتہ سماعت پر درخواست گزار کے وکیل نے کہا کہ غیر قانونی ہجرتیوں اور ترقیوں پر ہیپرائس کا جواب داخل نہیں کرایا گیا۔ ان کا کہنا تھا کہ زیادہ تر افراد کو قواعد اور ریکورڈ ٹھنڈ پالیسی سے ہٹ کر ہجرتی کیا گیا جو کہ قانون اور سپریم کورٹ کے احکامات کی سنگین خلاف ورزی ہے۔ انہوں نے عدالت کو بتایا کہ آؤٹ ہجزل نے بھی ان ہجرتیوں اور ترقیوں پر اعتراضات اٹھائے ہیں اور اس پر آؤٹ ہیپرائس بھی ذکر کیا ہے۔ درخواست گزار کے وکیل کے دلائل سننے کے بعد فاضل عدالت نے مذکورہ احکامات جاری کرتے ہوئے سماعت 5 مئی تک ملتوی کر دی۔ ذرائع کے مطابق عدالتی حکم پر ہیپرائس نے معاملے کی جانچ پڑتال کے لئے انکوائری اور فیکٹ فائونڈنگ کمیٹیاں تشکیل دی ہیں۔

-1-

The Honourable Prime Minister,  
Islamic Republic of Pakistan,  
Prime Minister Secretariat, G-5, Islamabad

Subject: ILLEGAL APPOINTMENT OF MR. MUHAMMAD ZUBAIR AS DIRECTOR  
GENERAL (M&E) IN PPRA WITHOUT OBSERVANCE OF OFFICIAL  
PROCEDURES/REQUIREMENTS OF RECRUITMENT

Dear Sir,

It is stated with serious concerns that Mr. Muhammad Zubair an officer of SPS-9/BS-18 i.e. Sr. Engineer in Pakistan Nuclear Regulatory Authority (PNRA) is working as DG (M/E) in PPRA from June 2018 and received Rs.3,600,000/- (approx) illegally to till date at the rate of Rs.316,000/- Per Month. Details mentioned as under;

- a) Muhammad Zubair joined PPRA as DG (M&E) on 01.06.2018 without relieving from PNRA as Sr. Engineer (SPS-9/BS-18) Post. Deputy Director (HR) PPRA has also sent letter dated 14.06.2018 to PNRA office for relieving of Muhammad Zubair w.e.f. 01.06.2018.
- b) The Sr. Establishment Officer-II has also issued directions through Two letters dated 27.07.2018 & 29.08.2018 to Muhammad Zubair as a PE (RAD), PNRA HQs Islamabad to attend the office and complete the clearance formalities at the earliest, which verifies that he is still Employee of PNRA as PE (RAD) and also he is serving in PPRA as DG (M&E) at One time. Holding dual posts in two different organizations for more than 12 months is a Crime and Gross Misconduct.
- c) Similarly, the officer himself has admitted in Islamabad High Court, Islamabad in vide WP-4750/2018 on 13.12.2018 that PNRA office has yet not relieved him. Furthermore, the PNRA office has issued NOC to Muhammad Zubair on 26.04.2017.
- d) Despite knowing the facts, Mr. Ali Temoor, Deputy Director (HR) being desk officer not only accepted his joining but also notified him w.e.f. 01.06.2018 without asking for relieving from his previous department. Hence, DD (HR) deliberately ignored the facts and did not fulfill codal formalities before his joining and favored Mr. M Zubair. Similarly, Mr. Yasir Shamim as Director (Accounts) released his salary and all other perks/privileges to a person who is holding the office illegally from Last 12 Months to date.
- e) It is also expounded that M. Zubair appeared in his 4<sup>th</sup> semester of BSc (Civil Engineering) in UET, Lahore in 1998-99 as indicated in his DMC vide Book No.270 and Sr. No. 13764. The date of result announcement on subject DMC is not clearly seen and marked through attestation words/signature so that post qualification experience calculations could not be tempered. He does not possess verifiable Post Qualification Experience of 17-Years for DG (M&E) post as required in PPRA regulations.



- f) Moreover, it is also indicated that during CFY 2018-19. Muhammad Zubair claimed medical reimbursement of worth Rs.316,000/- from PPRA. Out of which, he also claimed some Lab Test Charges from PNRA Office at the same time.
- g) He has also not submitted PNRA's House Hiring clearance upto 31.05.2018 in PPRA office. He holds Two Posts in Two different organizations at One time which are against the law and Gross Misconduct and a Crime.
- h) He is attending meetings with World Bank Mission, Korean Govt, delegations and other foreigners without clearance from Security Plan Division (SPD) and Pakistan Nuclear Regulatory Authority (PNRA) Islamabad offices. He is a Security threat/Risk to Pakistan being a SPD and PNRA Officer and dealing with international parties without seeking NOCs from relevant forums.
- i) He also visited Bhutan lately to attend South Asia Region Public Procurements Conference from 22.04.2019 to 25.04.2019 without clearance from the relevant forums of Government of Pakistan.

2. Mr. Muhammad Zubair as DG (M&E) in PPRA conducted various Investigations and prepared reports of different departments and imposed penalties thereupon. For which, he has no powers and jurisdictions as per Ordinance. Therefore, different departments and officers have filed Cases against PPRA and through his name. Simultaneously, he has been interfering in domain of PPRA HR Wing and IT & R Wing. Thereupon, DG (HR), PPRA & DG (IT/Research) have also filed WPs against him. The details of cases against him within a short span of time w.e.f. 01.06.2018 in PPRA are as under;

- a) Two WPs No.4176/2018 and WP-4486/2018 filed WP by DG(HR) PPRA & DG(IT/R) PPRA against Muhammad Zubair and others in Islamabad High Court, Islamabad.
- b) An officer of BS-20 in Federal Govt, filed WP-4116/2018 in Islamabad High Court, Islamabad against the investigation of M. Zubair.
- c) M/S. ITS Islamabad has filed contempt application against M. Zubair report/investigation in District Court Islamabad.
- d) Muhammad Zubair files WP-4708/2018 against Secretary, M/o foreign Affairs Islamabad for appointment against Deputy Secretary General Post in Iran.
- e) He has filed WP-4750/2018 on 13.12.2018 in Islamabad High Court Islamabad against PNRA and SPD. In this case, he has admitted that PNRA office has yet not relieved him.
- f) M/S. GEMALTO has filed WP-3094/2018 against the report of Mr. Muhammad Zubair in Islamabad high Court Islamabad.
- g) He has also filed case on 02.02.2019 which is pending as Office Objection No.1897/2019 in Islamabad High Court, Islamabad.

- 3 -

3. The august Supreme Court of Pakistan in Crl.A.181/2019 dated 10.05.2019 titled Lubna Balqees Vs Abid Saeed, had declared holding of Two Posts at one time in two different departments is illegal and Crime.

4. The above facts show that Mr. Muhammad Zubair has joined PPRA without relieving from Parent Department (i.e. PNRA), which requires Criminal & Disciplinary proceedings against him.

5. In view of above, Your goodself is requested to initiate the Criminal Proceedings against Mr. Muhammad Zubair, PE (RAD), PNRA HQtrs Islamabad and Director General (Monitoring & Evaluation), PPRA Islamabad and recover the Salaries of total amount paid to him up to Rs.3,600,000/- (Approx) till date by PPRA and also dismiss the services of Mr. Muhammad Zubair from PPRA forthwith.

6. Director General (DG) Federal Investigation Agency (FIA) is also requested to initiate Criminal proceedings against Mr. Muhammad Zubair as per Law.

  
(Muhammad Irfan Rafiq-PMP)  
Ex-Director General (IT & R), PPRA

Copy to: (To initiate Criminal Proceedings against Mr. Muhammad Zubair)

- 1) Chief Justice, Supreme Court Of Pakistan Islamabad.
- 2) Chief Justice, Islamabad High Court Islamabad.
- 3) Chairman, National Accountability Bureau (NAB) Islamabad.
- 4) Secretary, Finance Division/Chairman, PPRA Board, Islamabad.
- 5) Secretary, Cabinet Division, Cabinet Block, Islamabad.
- 6) Managing Director, (PPRA) Cabinet Division, Islamabad.
- 7) Secretary, M/o Industries and Production, Islamabad.
- 8) Secretary, Defence Production Division, Rawalpindi.
- 9) Secretary, Ministry of Water and Power, Islamabad.
- 10) Secretary, Ministry of Housing and Works Islamabad.
- 11) Secretary, Ministry of Communications Islamabad.
- 12) Secretary, Establishment Division, Cabinet Block, Islamabad.
- 13) Director General (SPD) Security Plan Division, Rawalpindi.
- 14) Chairman, Pakistan Nuclear Regulatory Authority (PNRA) Islamabad.
- 15) Additional Secretary, Public Accounts Committee (PAC), Islamabad.
- 16) Additional Secretary-I, (BS-21) Prime Minister Office (Public) Islamabad.
- 17) Additional Secretary-II, (BS-21) Prime Minister Office (Public) Islamabad.
- 18) Director General, ISI, GHQ, Rawalpindi.
- 19) Director General, Intelligence Bureau, Islamabad.
- 20) Director General, Federal Investigation Agency (FIA) Islamabad.
- 21) Joint Secretary (BI) Finance Division, Islamabad.
- 22) Additional Fiancé Secretary, (Budget) Finance Division, Islamabad.
- 23) Director (Legal) PPRA Islamabad.
- 24) Director (HR), PPRA, Islamabad.
- 25) Director (Finance) PPRA, Islamabad.
- 26) Director (Training) PPRA, Islamabad.

**TO THE ALL OFFICERS OF Federal GOVT, Islamabad**

1. Secretary, Cabinet Division Islamabad.
2. Secretary, Finance Division, Islamabad.
3. Secretary, Industry and Production, Islamabad.
4. Secretary, Energy Power Division, Islamabad.
5. Secretary, Housing and Works, Islamabad.
6. Secretary, Water Resources, Islamabad.
7. Secretary, Defence Production, Rawalpindi.
8. Secretary, Communications, Islamabad.
9. Chief Finance & Accounts Officer, Cabinet Division Islamabad.
10. Financial Advisor, Cabinet Division, Islamabad.
11. Chief Information Commissioner, Islamabad.
12. Special Secretary, Cabinet Division, Islamabad.
13. DG : Federal Audit, Islamabad.
14. Director, FIA, Islamabad Zone, FIA, G-13/3, Islamabad.
15. Secretary, Establishment Division Islamabad.

**Initiation of Proceedings Against Muhammad Khurshid, Ali Temoor Under offence of 476, 205, 209 sections of PPC 1860.**

**Today CM Independent No.4394/2021 In WP No.2089/2021** was fixed in Islamabad High Court. In the light of court orders in this case and facts and grounds you are requested that to take up the criminal case against Ali Temoor and Muhammad Khurshid under sections of Pakistan Penal Code, PPC as detailed below.

***476 : Counterfeiting device or mark used for authenticating documents other than those described in Section 467, or possessing counterfeited marked material:***

Whoever counterfeits upon, or in the substance of, any material, any device or mark used for the purpose of authenticating any document other than the documents described in Section 467 of this Code, Intending that shall be used for the purpose of giving the appearance of authenticity to any document then forged or thereafter to be forged on such material, ***shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.***

***205 : False personation for purpose of act or proceeding in suit or prosecution:***

Whoever falsely personates another, and in such assumed character makes any admission or statement, or does any other act in any suit or criminal prosecution, ***shall be punished with imprisonment of either description for a term which may extend to three years or with fine, or with both.***

***209 : Dishonestly making false claim in Court:***

Whoever fraudulently or dishonestly, or with intent to injure any person, makes in a Court of Justice any claim which he knows to be false, ***shall be punished with imprisonment of either description for a term which may extend to two years, and shall also be liable to fine.***

High Court itself can initiate proceedings under S. 476 Cr.P.C. [1994 SCMR 1103]  
A Police officer can now arrest a person without warrant of an offence punishable thereunder having been committed in any public place, a Court despite that can only take cognizance of such an offence on a complaint in writing of the public servant concerned or of some other public servant.

  
**Sultan Mahmood  
Islamabad**

(A) ILLEGAL APPOINTMENTS IN BPS-20 & BPS-18

(21)

S.#	Name & Designation	Experience required as Per PPRA Regulations	Actual Experience as Per PPRA Record
1.	<b>Muhammad Zubair Director General (Monitoring &amp; Evaluation)</b> <u>Appointed On the basis of BOGUS/FAKE/FORGED Documents</u>	Minimum Seventeen Years recognized verifiable post Qualification Experience in relevant field.	HE ATTAINED Bsc Engineering degree on 17.03.2001 and do not possess required length of service for the Post of DG i.e. 17 Years Post qualification experience upto 29.10.2017. He also submitted Trainee Work experience as regular one, which is against the Rules.
2.	<b>Muhammad Khurshid, Deputy Director</b> <u>Appointed On the basis of BOGUS/FAKE/FALSE Documents</u>	Minimum Five Years recognized experience BS-17/equivalent or above in Government / Autonomous Body in the relevant field.	He has NIL Experience of Govt Service on regular Post of BPS-17 as required under rules. He has submitted contract job experience which is ALSO short of prescribed service length i.e. 05 YEARS.

(B) HOLDING OF CURRENT CHARGE ILLEGALLY

S.#	Name Of Officers	The Posts against which Charge Holds By Illegal Appointed Officers
1.	<b>Muhammad Zubair Director General (Monitoring &amp; Evaluation)</b> Order is placed on <u>Annex-B</u>	<b>Five different Wings head of Department charge i.e.</b> (1) Director General (HR), (2) Director General (M & E), (3) Project Manager (e-procurement) (4) Chief Co-ordination Officer (BS-21) (5) Director General (IT & Research) in PPRA. <b>The Charge of BS-21 Post not approved by PPRA Board.</b>
2.	<b>Mr. Ali Temoor</b> Order is placed on <u>Annex-B</u>	<b>The Federal Audit declared the appointment of Mr. Ali Temoor illegal/irregular as Project Staff during Audit.</b> He is a project employee and illegally posted from Project to PPRA and promoted as DD(HR) on 02.01.2018. He is currently holding charge for the post of Director (Co-ordination & Establishment)
3.	<b>Mr. Rizwan Mahmood</b> Order is placed on <u>Annex-B</u>	<b>He is appointed as System Analyst (BS-16) and later up-graded illegally as Assistant Director BS-17 without the approval of PPRA Board and Establishment Division concurrence also not obtained.</b> He promoted as DD(IT) in January, 2018. Now he holds charge of Director (MIS).
4.	<b>Mr. Yasir Shamim Khan</b> Order is placed on <u>Annex-B</u>	<b>He is appointed as Accounts Officer later his Nomclature changed as Assistant Director without the approval of PPRA Board and Establishment Division concurrence also not obtained.</b> He promoted as DD(F) on 02.01.2018. Now he holds Two charge as Director (Accounts) & Director (Internal Audit & Planning)

(V)

**IN THE ISLAMABAD HIGH COURT ISLAMABAD**

CM No. 4394/2021

In

**Writ Petition No.2089/2019**

**Muhammad Irfan Rafique, S/o Muhammad Rafique, R/o House No.DK 956, Dhoke Paracha, Satellite Town, Rawalpindi.**

**Applicant/Petitioner**

**VERSUS**

**Fida Muhammad Wazir, ex-Managing Director (PPRA) through Secretary, Establishment Division, Cabinet Block/Seckt, Islamabad.**

**Respondent**

**Application Under Section 476 Cr.P.C to Proceed  
Against The Respondent Under Section 205, 209  
Pakistan Penal Code (PPC)**

**Respectfully Sheweth :**

Whenever some offence is committed, the basic principles of criminal jurisprudence require the law to be set in motion either in the form of FIR or recording of 'at ONCE' statement within the meanings of section 200 Cr.P.C, but no action has so far been taken by the competent functionaries against the respondent although clear evidence of forgery in the form of Pakistan Information Commission (PIC) Inquiry report dated 13.01.2021 is in the knowledge of Hon'able Members of the PPRA Board, which comprised TEN (10) Members including Seven (07) Federal Secretaries. This court has passed order on 18.02.2020 dismissing the petition of the petitioner alongwith connected matters on the basis of delegation of power to the MD in Para 8 of the Judgment and the respondent misguided the court by stating falsely in Para No.9 of the comments that the PPRA Board in its 37<sup>th</sup> Meeting held on 01.04.2019 has also delegated him necessary powers to take decision on the appointment related issues such as probation including confirmation, extension of probation and termination of services and allied court matters, as the case may be. Thus, the Respondent/ex-MD(PPRA) raised false claim in the comments praying therein dismissal of the Writ Petition filed on his behalf and counsel appearing in court on the behalf of the respondent also argue on the basis of this pleading although respondent was in the knowledge that delegation of power in 37<sup>th</sup> Board meeting was forged and this fact was later proved in Pakistan Information Commission (PIC) Report dated 13.01.2021. Therefore, abrupt action is required under the basic principles of criminal jurisprudence. Hence, this application among the others on the following ;

Secretary, Finance Division Islamabad.

Secretary, Cabinet Division, Islamabad.

Secretary, M/o Industries and Production, Islamabad.

Secretary, Defence Production Division Rawalpindi.

Secretary, Power Division, Islamabad.

Secretary, M/o Housing and Works Islamabad.

Secretary, M/o Communications Islamabad.

Secretary, M/o Water Resources, Islamabad.

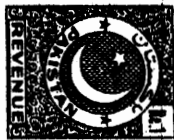
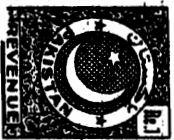
Secretary, Establishment Division Islamabad.

Chief Information Commissioner, Islamabad.

2

## **Facts & Grounds**

1. That the petitioner was selected as Director General (IT & Research) PPRA on 02.01.2018, but Managing Director (PPRA) did not issue him appointment letter and then he approached Hon'able Islamabad High Court alongwith others aggrieved candidates by filling Writ Petition No.348/2018 as a result of which Fida Muhammad Wazir (Respondent) issued him appointment letter and he joined on 28.05.2018.
2. That the Respondent/ex-MD (PPRA) was summoned in person on 21.05.2018 in Writ Petition No.348 and 578 of 2018 by this Hon'able Court and his attendance was recorded in the order which grudge remained in his mind and he terminated the Petitioner on 17.05.2019, which order he assailed by filing Writ Petition No.2089/2019 and was dismissed, which order remained upheld on 13.07.2020 in Intra Court Appeal No.130/2020 before this Hon'able Court and there against CPLA No.2585/2020 was filed, which is not fixed till date.
3. This Hon'able Court passed Judgment on 18.02.2020 in the applicant Case No.2089/2019 alongwith Writ Petition No.2088/2019 & WP No. 4176/2018 on the basis of termination of services powers of MD (PPRA) against which applicant filed CPLA No.2585/2020, but during the pendency of these petitions, Pakistan Information Commission (PIC) has concluded Appeal No.455-08-2020 on 13.01.2021 that Para No.11 (b) of 37<sup>th</sup> PPRA BOD's Meeting held on 01.04.2019 was forged.
4. That the order of termination from services dated 17.05.2019 was passed on the basis of delegation of power to the MD (PPRA) (Respondent) in the 37<sup>th</sup> BOD's Meeting held on 01.04.2019 by writing Para No.11 (b) on additional Page No.4 of the Meeting Minutes, which were forged as held by Pakistan Information Commission (PIC) on 13.01.2021. Copy of Judgment dated 18.02.2020 and Copy of Comments submitted on behalf of Respondent/ex-MD (PPRA) is placed on Annex-A & B.





5. That on reliance of 37<sup>th</sup> BOD's Meeting Minutes the Hon'ble Islamabad High Court (IHC) was pleased to observe/conclude his order which is elaborated in Para No.8 of the Judgement as "The Authority may delegate its functions or powers to the MD which accordingly was done by the Board of the Authority in the Minutes of 37<sup>th</sup> Meeting of the PPRA Board held on 01-04-2019" The relevant Para No.11(b) from the 37<sup>th</sup> BOD's Meeting Minutes was reproduced by the Hon'ble Court, in its order dated 18.02.2020 ; the same is narrated as under ;

**"The Board delegated all the powers to Managing Director regarding decision on the appointment related issues as well as of probation including confirmation, extension of probation and termination of service, relevant Court matters, as the case may be, and authorized him to decide accordingly being Competent Authority and the only full time Member of the PPRA Board."**

And the Para from the Minutes defining MD as competent authority was reproduced and added sentence in Para No.9 showing the delegated Authority exercised by him for terminating the petitioner as valid, but the whole Para No.11 (b) of 37<sup>th</sup> BOD's Meeting was forged as observed in the Pakistan Information Commission (PIC) inquiry report dated 13.01.2021.

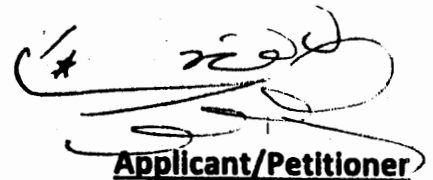
6. That the Respondent/ex-MD (PPRA) misled this Hon'ble Court by pleading in Para No.9 of the comments filed on his behalf and instructing his advocate to argue the case with regard to the delegated powers of termination of employees services to him (Respondent) as true. Thus, the Respondent/ex-MD (PPRA) misguided the court by stating falsely in Para No.9 of the comments that the PPRA Board in its 37<sup>th</sup> Meeting held on 01.04.2019 has also delegated him necessary powers to take decisions on the appointment related issues such as probation including confirmation, extension of probation and termination of services and allied court matters, as the case may be and the Respondent raised false claim in the comments praying therein dismissal of the Writ Petition filed on his behalf and counsel appearing in court on behalf of Respondent/ex-MD (PPRA) also argue on the basis of this pleading although Respondent was in the knowledge that delegation of powers in 37<sup>th</sup> BOD's Meeting was forged and this fact was later proved in Pakistan Information Commission (PIC) inquiry report dated 13.01.2021.

(4)

7. That this application is being moved in the interest of justice for the supremacy of law for which Article 4 of the Constitution encourage the applicant/petitioner and in order to discouraged the legal wrong amounting to offence, which has not only been played with the applicant but also with the court while submitting comments and advancing arguments on behalf of the respondents.
8. That the superior courts of Pakistan have settled principle that courts are sanctuaries meant to protect rights and liberties of citizens but not to curb and curtail the same by resorting to the process unbecoming for public litigants. Moreover, it is held in 1998 PCrLJ 1106 that Section 476 Cr.P.C. has been enacted to ensure that the stream of justice does not become polluted with impurities.
9. That the Hon'able Supreme Court of Pakistan has viewed in 1994 SCMR 1103 that High Court can itself try these kinds of cases.
10. That this Hon'able Court can pass appropriate order after receiving inquiry report to proceed under provisions of law i.e. section 205, 209 PPC and Contempt of Court Law etc.

### **PRAYER**

In view of the foregoing submissions, it is most respectfully prayed that Respondent/ex-MD (PPRA) may please be proceeded for committing offences under section 205, 209 Pakistan Penal Code (PPC) as required by the law.

  
Applicant/Petitioner

Through

(Riaz Hanif Rahi)  
Advocate Supreme Court  
(CC-15965)



14  
R/1

No. F.3(4)/Admn/PPRA/2013  
Government of Pakistan  
Public Procurement Regulatory Authority  
(Cabinet Division)

◇◇◇◇

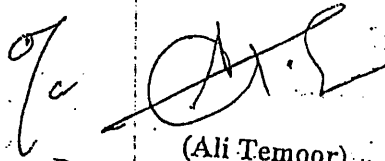
Islamabad, the 16<sup>th</sup> October, 2017

Subject: SCRUTINY OF APPLICATION FORMS OF THE CANDIDATES

Reference Agreement signed between PPRA and OTS on 5<sup>th</sup> October, 2017 for the recruitment to various vacant posts (PSG-3 to PPG-4), the OTS is also required to make scrutiny of the received application forms as per eligibility criteria, before conducting recruitment tests. In this regard, it is informed that you are required to treat relevant higher qualification of MS/M.Phil. and Ph.D degrees as an additional practical experience of two (02) and four (04) years respectively.

2. This issues with the approval of Competent Authority.

Mr. Muhammad Faheem  
Director Projects,  
Open Testing Service (OTS)  
Office # 93-A, Street # 03, Media Town,  
Islamabad

  
(Ali Temoor)  
Deputy Director (Admin)  
Ph: 9202254

CTC  
  
**ALI TEMOOR**  
Deputy Director (HR)  
Public Procurement Regulatory Authority  
(Cabinet Division)  
Islamabad

Director General

National Accountability Bureau (NAB)

Civic Centre, Sector G-6, Islamabad

Subject: - ABUSE OF OFFICIAL AUTHORITY BY ILLEGAL APPOINTEE  
NAMELY, MUHAMMAD ZUBAIR, DIRECTOR GENERAL  
(MONITORING & EVALUATION) PPRA

The applicant is law-abiding and a patriot citizen of Islamic Republic of Pakistan and wants to point out illegalities, corrupt practices and misuse of authority going on in PPRA in public interest and act as a whistle blower in the instant application, to save the public office from usurpation..My said act is protected under Public Interest Disclosures Act, 2017.

2. The applicant is bringing the illegal & unlawful acts and misuse of authority by Muhammad Zubair, Director General (Monitoring & Evaluation) PPRA in the knowledge of National Accountability Bureau (NAB) office for initiation of proceedings under NAB Section 9 (a) (vi) and schedule (1) & (4), which is reproduced as under.

9 (a) A holder of a public office, or any other person, is said to commit or to have committed the offence of corruption and corrupt practices-

(vi) <sup>2</sup>[if he misuses his authority so as to gain any benefit or favour for himself or any other person, or <sup>3</sup>[renders or attempts to render] <sup>4</sup>[or willfully fails to exercise his authority to prevent the grant, or rendition of any undue benefit or favour which he could have prevented by exercising his authority];

["THE SCHEDULE]

[See section 10(b)]

S.No. (1)	Offences (2)	Punishment (3)
1.	Any person who aids, abets or through any willful act or omissions instrumental in the commission of the offence of willful default or with wrongful intent for illegal gratification by misuse of power, authority, influence, nepotism, favouritism writes off, waives, restructures or refinances illegally, improperly or without sufficient justification the principal amount of loan on any financial facility, interest or markup on any loan or financial facility provided to any person by any bank or financial institution, a cooperative society, a Government department or an authority established or controlled by the Government shall have committed or be deemed to have committed the offence of corruption or corrupt practices.	Rigorous imprisonment for a term which may extend to fourteen years and fine.
4.	Misuse of authority or power in committing any offence specified above, by any person holding a public office including any offence under sections 161 to 165A of the Pakistan Penal Code (Act XLV of 1860).	Rigorous imprisonment for a term which may extend to fourteen years

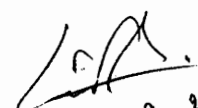
*[Signature]*  
12-02-2020

3. Public Procurement Regulatory Authority (PPRA) has been established through Ordinance No. XXII Of 2002 dated 15<sup>th</sup> May, 2002. **(Annex-A)** PPRA is functioning under the administrative control of Cabinet Division. Secretary Finance Division is the chairman of PPRA Board.

4. During leave period of MD, PPRA for 45 days, Muhammad Zubair managed to get temporary/look-after charge of MD, PPRA, a BS-22 Post, as stop-gap arrangements from **02.07.2019 to 15.08.2019 (45-Days)** vide Cabinet Division Notification No.1/2/2018-RA-III dated 2<sup>nd</sup> July, 2019. **(Annex-B)** The other Three Senior DGs (DG-Legal, DG-HR & DG-IT & Research) were thus forced to work under the supervision of Junior and illegally appointed/posted DG(M&E) PPRA, whose original pay scale as per PNRA NOC (from where not formally relieved) is BS-18, but within short span, he got BS-22 position on look after charge basis.

5. During look after charge of MD, PPRA, Mr. Muhammad Zubair **assumed all powers of PPRA-Board** and took the following illegal actions: -

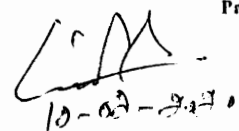
- a) He approved Policy Guidelines decisions and issued letters with own signatures and uploaded on PPRA Website, for which he was not competent under any law.
- He uploaded on PPRA-Website major Policy decisions about international blacklisted organizations, firms, suppliers and contractors vide circular No.1(1)/MD/PPRA/2019 dated 09-08-2019 **(Annex-C)** Under this letter, he allowed all backlisted firms, suppliers and contractors to take part in the procurement process in Pakistan in the (so-called) extra ordinary circumstances/exceptional cases, upon request of such firms etc. He has given the deadline of 14.08.2019 in this letter and favours someone illegally against the ordinance.
- By issuing another letter No.1(01)/MD/PPRA/2019 dated 14<sup>th</sup> August, 2019. **(Annex-D)** (a public holiday/a day before expiry of his temporary charge), he issued few more instructions and uploaded on PPRA website, which could not be issued without approval of PPRA Board. It appears that he issued these instructions to oblige certain persons during his stop gap posting, without waiting for regular incumbent of the post after one day i.e 15.08.2019.
- The above Policy & Guidelines could only be issued with the approval/ratification of PPRA Board as required under **Section 20 (c) and Section 8 (7) (e) (f) of PPRA Ordinance 2002.**

  
10-02-2020

- b) The Directorate of Monitoring & Evaluation Wing PPRA issued clarification/opinion through letter No.11(28)/M&E/PPRA/2018/211 dated 16.04.2019 (**Annex-E**) in NHA-Islamabad case. The Islamabad High Court granted status quo to Private Company **M/s MQC-HRK-SAPNA (JV) Quetta** against NHA-Islamabad & Federation of Pakistan in **Writ Petition No.2900/2019** on 1<sup>st</sup> date of hearing on **09-08-2019**. Muhammad Khurshid Deputy Director (Legal) appeared and assisted the court at the time of injunctive order extension in this case on **27.08.2019**. The court also gives opportunity to Private Company to submit affidavit of cost of Litigation in **WP-2900/2019** against Federal Govt, department.
- c) The Directorate of Immigration & Passport DG (I&P) issued letter to Legal Wing of PPRA for sort of opinion/advice through letter No.01/02/Cam/2017/DG-I&P dated 11.10.2018. (**Annex-F**) However, instead of forwarding the said case to Legal Wing, he responded to DG (I&P) out of his function/domain through letter Ref-No.11(72)/M&E/PPRA/2018/167 dated 13.02.2019 against the PPR-2004 and PPRA Ordinance 2002. Muhammad Zubair has given opinion to DG (I&P) to impose penalty on successful bidder/supplier in this case. PPRA Ordinance 2002 has no provision to suggest or impose any penalty in any case.
- d) He blacklisted **Job Testing Service (JTS) Islamabad** for the reason that it made complaint against Ministry of Postal Services Islamabad and another agency Islamabad Testing Service Islamabad on certain irregularities.

6. During short span of his assuming charge as DG(M&E) PPRA on 01.06.2018. The following Litigation cases have been filed against decisions and unbecoming behaviour of Mr. Muhammad Zubair: -

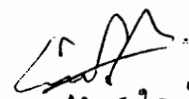
- a) Two Writ Petitions **No.4176/2018** and **No.4486/2018** filed by PPRA officers against interference in domain of HR & IT & R wings/behaviour of Muhammad Zubair and others before Islamabad High Court (IHC). (**Annex-G**).
- b) Muhammad Zubair acts against the PPRA Ordinance 2002 and issued report that a **BS-20 Federal Govt Officer namely Mr. Qazi Zaheer Ahmed, Senior Joint Secretary** cannot participate in any procurement process /committee in future. The officer challenged the report through **Writ Petition No.4116/2018 (Annex-H)** before Islamabad High Court on 29.10.2018, which is pending till date.

  
10-02-2019

- c) The Hon'able Islamabad High Court had passed following remarks in Writ Petition No.3094/2018 (M/s Gemalto) case against Muhammad Zubair Director General (M&E) clarification/opinion dated 05.07.2018. (Annex-I)

On Para No.52 Page-24

- P.P.R.A. while giving its advice/opinion to N.S.P.C.L vide letter dated 05.07.2018, appears to have lost sight of the requirement of its own manual of procurement policies. A public sector organization must profess to abide by its own policies.
  - The advice/opinion given by P.P.R.A. did not take this crucial aspect of the case into account. This shows that P.P.R.A has given little credence to its own policy in this case.
  - CM No.2180/2019 on dated 23.05.2019 for cost of Litigation total amounting to Rs.2,500,000/- (Approx) (US \$15,000/-) also filed in this case.
  - The Judgment passed in WP-3094/2018 (M/s GEMALTO Vs FOP) approved for reporting, which is available on IHC website. Muhammad Khurshid Deputy Director (Legal) appeared and assisted the court in this case.
- d) Ms Rahila Yousuf, Deputy Director (Research), PPRA filed Case No.FOH-HQR/0000241/2019 before Federal Ombudsman under Protection against Harassment of Women at Work Place Act 2010 against Muhammad Zubair. The case is pending adjudication. (Annex-J)
- e) M/S Islamabad Testing Services Islamabad (ITS) filed contempt application against Muhammad Zubair in District Court Islamabad in Ministry of Postal Services Islamabad and Job Testing Services (JTS) case.
- f) M/S Job Testing Services Islamabad (JTS) also filed case against M. Zubair on different forum at Federal Level.
7. Muhammad Zubair himself also entered litigation against others in the following cases: -
- (i) He filed Writ Petition No.4750/2018 on 13.12.2018 in Islamabad High Court Islamabad against PNRA and SPD. In this case, he admitted that PNRA office has yet not relieved him. (Annex-K)

  
10-02-2020

(II) Muhammad Zubair filed WP-4708/2018 on dated 11.12.2018 against Secretary, M/o Foreign Affairs Islamabad for appointment against Deputy Secretary General Post IRAN during probationary period. While applying for that post in Iran, he did not obtain NOC from Strategic Plan Division (SPD), PNRA, ISI and MI. (Annex-L)

8. Section 6(1) of PPRA Ordinance, mentions general powers of the PPRA Board, which states that

"General directions and administration of the Authority and its affairs shall vest in a Board which may exercise all powers, perform all functions and do all acts and things which may be exercised, performed or done by the Authority"

Under Section 8(7) of ordinance the powers and responsibilities of Managing Director PPRA include the following: -


- (e) exercise such powers as the Board delegate him;
- (f) act on behalf of the authority, in any emergency, subject to the obligation to report such action to the Board at its next meeting and to seek the Board's ratification of any action so taken.

Under Section 20, (Delegation) The Authority may, by such conditions and limitations as it may deem fit to impose, delegate any of its functions or powers to the Managing Director, or one or more members or any of its officers **except the power to-**

- (a) approve audited accounts;
- (b) recommend exemption under section 21; and
- (c) make or repeal regulation made under this Ordinance.

9. He attended meetings with World Bank Mission, foreigners and also visiting foreign tours without clearance from ISI, Strategic Plan Division (SPD), Pakistan Nuclear Regulatory Authority (PNRA), ISI and MI. He is a Security threat/Risk to Pakistan being a SPD and PNRA Officer and dealing with international parties without seeking NOCs from relevant forums. Director General (IT&R) PPRA highlighted the all illegal acts of Muhammad Zubair in PPRA through a letter dated 17.05.2018 in details. (Annex-M)

10. His appointment as Director General (M&E) BS-20 has been challenged before Hon'able Islamabad High Court through a Writ of quo-warranto No.2498/2019. The Hon'able Court accepted case and issued Notices to Secretary Finance Division/Chairman PPRA Board and Muhammad Zubair on 15.07.2019. (Annex-N) The next date of hearing of case is 18-02-2020. He is a BS-18 employee of PNRA and joined PPRA without a relieving order from the sensitive organization like PNRA w.e.f 01-06-2018 vide letter No.F.1(24)/Admn/PPRA/2013, dated 14-06-2018 (Annex-O).

  
10-02-2020

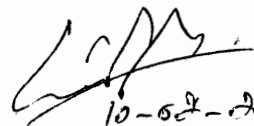
11. PNRA management issued to him directions through Two letters dated **27.07.2018 & 29.08.2018** to attend the office and complete the clearance formalities, which fact confirms that he was still Employee of PNRA as PE (RAD) after 01.06.2018. Similarly, the officer himself admitted in IHC vide **Writ Petition No.4750/2018** on **13.12.2018** that PNRA office did not relieve him. **(Annex-K)** Holding dual posts in two different organizations is a Gross Misconduct.

12. The above powers can be used by a regular full time Managing Director and not by a BS-20 officer temporarily looking after the charge as stop gap arrangement. Further, these powers are subject to ratification of the Board.

13. The above series of acts indicate that Muhammad Zubair has been misusing the official authority against the PPRA Ordinance, 2002 showing a conduct unbecoming of an officer. He also suffers from some psychological disease and lacks emotional stability.

14. Mr. Muhammad Zubair misused his authority during temporary /look after charge as stop gap of Managing Director Post as well as Director General (Monitoring & Evaluation), which fall **corruption and corrupt practices** as defined in **NAB Section 9 (a) (vi) and schedule (1) & (4)**. It is therefore requested that, ---

- a) A high-level Inquiry/investigation may be conducted under **NAB Section 9 (a) (vi) and schedule (1) & (4)** against illegalities/irregularities committed by Mr. Muhammad Zubair (DG (M&E) and punish them as per NAB Laws.
- b) To direct the Secretary Cabinet Division or Secretary Finance Division/Chairman PPRA to issue suspension order of Muhammad Zubair forthwith tills the completion of Investigation in NAB, because he is influenced person.
- c) To direct the Secretary Finance Division/Chairman PPRA Board to provide the approved certified copies of minutes of PPRA BOD's meetings decisions held from 01.07.2019 to 10.02.2020.



10-02-2020

(Shahid Ahmed S/o Karamat Ullah)  
Residence of Alsufah Heights-II, Suit No.602  
Sector F-11, Markaz Islamabad  
NIC No.35202-2313134-7  
0300-4294100

**Pakistan Information Commission**  
**Government of Pakistan**

1<sup>st</sup> Floor, National Arcade, 4-A Plaza  
F-8 Markaz, Islamabad  
Website: [www.rti.gov.pk](http://www.rti.gov.pk)  
Phone: 051-9261014  
Email: [appeals@rti.gov.pk](mailto:appeals@rti.gov.pk)  
@PkInfoComm



**In the Pakistan Information Commission, Islamabad**

**Appeal No 455-08/20**

**Saima Tasneem, through Eastern Law Firm**

**(Appellant)**

**VS**

**Pakistan Procurement Regulatory Authority (PEPRA) Board Members (Respondent)**

**Order**

Date: January 13, 2021

**Zahid Abdullah:** Information Commissioner

**A. The Appeal**

1. That the Appellant filed identical requests for information to PPRA Board Members- Secretary, Finance Division, Secretary, Ministry of Housing and Works, Secretary, Defence Production Division, Secretary, Ministry of Energy, Secretary, Ministry of Industries and Production, Secretary, Ministry of Communication, Secretary, Water Resources- and Secretary, Cabinet Division, PPRA controlling body under the Right of Access to Information Act 2017 on July 03, 2020 seeking following information:

- “
- (a) *Attested copy of PPRA letter dated 17.04.2019.*
  - (b) *Attested copy of working paper agenda item No.I.*
  - (c) *Attested copy of letter No. 15/CM/2019-N dated 04.04.2019*
  - (d) *Attested copy of Summary of Cabinet Division on PPRA Rules.*
  - (e) *Attested copy of Cabinet Division letter dated 15.04.2019.*
  - (f) *Attested copy of Minutes of 37th PPRA BOD's Meeting held on 01.04.2019.”*

2. The Appellant filed appeal with this commission when the requested information was not provided by the Respondents.

**B. Proceedings**

3. The commission issued notices to all the Respondents on August 07, 2020, seeking response as to why the requested information was not provided to the Appellant.
4. When the notices of the commission were not adhered to, hearing notices were issued and the Respondent were directed to appear before the commission on September 15, 2020.



5. The hearing was attended by Shahadat Ali Khan, Section Officer, Ministry of Industries and Production, Saima Tasneem, Sardar Abdul Wahab Advocate, Khalid, advocate, Hafiz Munawar Iqbal Advocate. During the hearing, the representative of the Ministry of Industries and Production argued that the requested information is held by PPRA however, they have copies of the requested information. The copies of the requested documents available with Shahadat Ali Khan, Section Officer, the Ministry of Industries and Production and shown to the members of the commission were different than those available with the Appellant obtained from court. The Appellant also submitted before the commission that she had been unlawfully terminated from service because powers of termination were not delegated to MD, PPRA as is evident from the copies circulated to Board Members and just shown to the members of the commission by one of the PPRA Board Member.
6. Another hearing was held on 15/09/2020 which was attended by Syed Hassan Muhammad, JS, (RA) Cabinet Division, Feroze Khan, Deputy Secretary, (RA) Cabinet Division, M. Kamran, Section Officer, Ministry of Housing and Works, Zafaryab Khan, Deputy Secretary, Ministry of Energy, (Power Division), Advocate Sardar Abdul Wahab, Advocate Munawar Iqbal, Saima Tasneem. They mentioned that PPRA was custodian of the records and that they had received copies of these records. Syed Hassan Muhammad, JS, (RA III) Cabinet Division concurred with the testimony of the SO, Shahadat Ali Khan in the previous hearing that the originally circulated copies available with the Cabinet Division were different then those with the Appellant, obtained through the court. Advocates representing the Appellant argued that the commission should ask PPRA to produce records before this commission to determine tampering, if any of the documents available with PPRA and those circulated to its board members.
7. In exercise of the powers vested in this commission, Managing Director, PPRA was directed to appear before the Commission in the hearing on October 01, 2020 through his representative or Public Information Officer designated under Section 9 of the Right of Access to Information Act 2017 with file along with all documents pertaining to 37<sup>th</sup> PPRA Board's meeting held on 01.04.2019.
8. MD, PPRA attended the hearing and on the directions of the commission submitted the requested documents on October 05, 2020.
9. The documents were shared with the Appellant on October 06, 2020 and the Appellant submitted the following rejoinder on October 13, 2020:

*"Reference Information Commission letter dated 06 October, 2020 in Appeal No.455-08/20. Whereof the appellant was communicated the response/information of Public Procurement Regulatory Authority (PPRA).*

*2. That PPRA through letter dated 5th October, 2020, signed by Mr. Farrukh Bashir. DG (HR) has submitted the following documents:*

- i. *Copy of letter dated 17h April, 2019*
- ii. *Working Paper agenda No.1, which was without signature of MD (PPRA) (Mr. Fida Muhammad Wazir)*
- iii. *Copy of Minutes of 37h BOD's meeting held on April, 2019.*



3. That the DG (HR) (Mr. Farrukh Bashir) wilfully with malafide intention to obstruct the access to information, which is the subject of instant application/ appeal with mind of preventing its disclosures under the Access to Information Act 2017 by submitting the working paper along with 37" minutes of meeting of PPRA Board held on 11 April, 2019

4. The letter dated 17 April 2019 as the DG (HR) submitted before this Honorable forum was pertaining to the Subject 38 PPRA BORAD OF MEMBERS MEETING with the following description.

"Dear Secretary / Member:

The 38" PPRA Board of Members meeting is schedule to be held on 18 April 2010 al 02:00p.m in the Committee Room # 2 of Ministry of Finance, 2nd Floor Q-Block, Pak Secretariat Islamabad

2. Kindly make it convenient to attend the meeting on the aforementioned venue, date and time. Agenda and working paper is enclosed for ready reference

with best regards..... "

5. That as it is evident from the perusal of Para 2 of the said letter there was an agenda and a working paper were enclosed with the said letter. The agenda item was pertaining to Meeting of the Federal Cabinet and working paper of Agenda item No.1. In the said agenda items undermentioned documents were enclosed:

(I) Minutes of the 37th Meeting of PPRA Board held on 19 April, 2019 on Annex-I

(II) Cabinet letter dated 4th April, 2019 on Annex-II.

(III) The summary and the proposed rules on Annex III.

(III) Cabinet letter dated 15th April, 2019 on Annex-IV.

6. That it is pertinent to mention here that during the course of pending of said appeal the Cabinet Division submitted through letter dated 10<sup>th</sup> September, 2020 with the signatures of Section Officer (RA-III) (Muhammad Usman Munawar). attested copies of Cabinet Division letter No. 15/CM2019-N dated 04.04.2019 and letter No.5/25/205-RAPPPRA) dated 15.04.2019. Hence, letter No. 15/CM/2019-N dated 04.04.2019 indicates that in agenda at Serial No.3 there was Addition of Rules regarding Un-solicited Proposal PPRA Rules, 2004. On the other hand letter No.5/25/205-RA (PPRA) dated 15.04.2019 was also indicating the subject "INSERTION OF PROVISION OF "UNSOLICITED PROPOSAL IN PPRA RULES, 2004".

7. It is pertinent to mention here that in 37 Minutes of meeting there was an Other Agenda in original minutes of meeting which was circulated among the member of PPRA Board with the submission of Introduction of Unsolicited Proposal through amendment in Public Procurement Rules, 2004. Whereof in Para 9. MD PPRA presented the Agenda item and apprised that several amendments in the existing Public Procurement Rules, 2004 have been recommended to the Federal Government by the PPRA Board including unsolicited proposal.



8. That as in said minutes of the meeting there was decision of the PPRA Board "The Board in Principal agreed to recommend to the Federal Government to incorporate the improved version of "unsolicited proposal" keeping in view the national international practices and experience feedback, as an additional rule in the Public Procurement Rules, 2004 along with earlier recommended amendments"

9. That as above decision indicates the amendment in the form of additional rules in Public Procurement Rules 2004 hence the same was required under the law to be presented, the documents

- (I) Minutes of the Meeting of PPRA Board held on 1<sup>st</sup> April, 2019 on Annex-I
  - (II) Cabinet letter dated 4 April, 2019 on Annex-II.
  - (III) The summary and the proposed rules on Annex-III.
  - (IV) Cabinet letter dated 15<sup>th</sup> April, 2019 on Annex-IV
- before the Cabinet Division so that on the desire of Prime Minister the subject case shall be placed before the next meeting of the Cabinet Committee of Legislative Cases (CCLC) subject to completion of all codal formalities."

10. That in above narrated situation during the proceeding of subject appeal before this Hon'ble forum, Representative from Cabinet Division Mr. Hassan Mehmood, Joint Secretary (RA-DH) and Mr. Feroze Khan, Deputy Secretary (RA-III) appeared on 15.09.2020 and admitted and endorsed to the effect that the original minutes of meetings are in the file of Cabinet Division in working papers Subject MEETING OF THE FEDERAL CABINET as at Annex-I Page 1180, 1181, 1182, 1183 of the Cabinet Division record file. Whereof there is no other agenda (b) Para 11 and 12.

11. That on the other hand the representative from Ministry of Industries & Production (PPRA Board Member) Mr. Shahadat Khan, Section Officer, appeared and presented the original record of 37 BOD's Meeting before this Honorable forum whereof this bench considered and observed that in the record of original record of PPRA's 37<sup>th</sup> BOD's Meeting where there is no other agenda (b) Para 11 and 12. He also submitted letter dated 28.08.2020 where he confirmed that

"The information providing entity may ensure that the record concerning in the instant case duly furnished by the Secretary, Industries and Production, at various Board meeting of PPRA, is not tampered with."

12. That this Hon'ble forum was pleased to pass interim order dated 21<sup>st</sup> September, 2020 by directing the MD (PPRA) to appear in person along with all documents pertaining to 37 PPRA BOD's meeting held on 1<sup>st</sup> April, 2019. On 1 October, 2020. That in compliance of order dated 21.09.2020 MD (PPRA) appeared before the forum and promised to submit the original record as was directed by commission but unfortunately the tempered record

*along with wrong documents was submitted by DG (HR) PPRA with the intention of preventing its disclosure under the Access to Information Act 2017 act.*

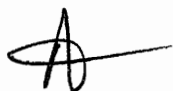
13. *In view of above following requests are submitted in the light of Article 22(2) of Information Act for kind directions please,*

*a) Direct the Cabinet Division, Ministry of Industries and Productions and all others Members of PPRA Board to provide the attested copies of PPRA'S 37th BOD's Meeting minutes along with working papers/agenda items considered in the meeting held on 01.04.2019*

*b) To take a severe action against Mr. Farrukh Bashir, Director General (HR) under section 22 of Information act 2017 to meet the end of justice.*

*Any other favourable relief may also graciously be granted to the appellant against the defendant as may be deemed just and proper in the facts and circumstances of the case."*

10. Through an Interim Order dated 20/10/2020, PPRA Board members were directed to appear before the Commission on 29/10/2020, through their representative or Public Information Officers designated under Section 9 of the Right of Access to Information Act 2017 with their respective files along with all documents pertaining to 37<sup>th</sup> PPRA Board's meeting held on 01.04.2019 circulated by PPRA.
11. The hearing was attended by the Appellant and her counsel Hafiz Munawar Iqbal, Mr. Irfan Rafiq, Shahadat Ali Khan, Section Officer, Ministry of Industries and Production, Haroo ur Rashid, Section Officer, Ministry of Water Resources, Tariq Zaman, counsel Hafiz Arfat for MD PPRA, M. Khurshid, Deputy Director, Legal, PPRA, Khalid Khurshid, SGS, Ministry of Communication.
12. Haroon ur Rashid provided unattested as circulated by PPRA and was directed to provide certified copy by 03/11/2020.
13. Mr. Khurshid requested for more time to do the needful.
14. Mr. Shahadat Ali Khan assured the commission that certified copies will be provided by next hearing.
15. Mr. Tariq Zaman submitted Power of Attorney on behalf of MD PPRA and sought more time.
16. The commission issued notice to MD PPRA, Secretary, Communication and Secretary, Ministry of Industries and Production seeking implementation status of the Right of Access to Information Act 2017.
17. The next hearing was fixed for 05/11/2020.
18. The hearing dated 05/11/2020 was attended by Haroon ur Rashid, Section Officer, Ministry of Water Resources, Hafiz Arfat Ahmed Advocate, Counsel for PPRA, Feroze Khan, Deputy Secretary (RA) Cabinet Division, Hafiz Usman Munawar, Section Officer (RA-III) Cabinet Division, M. Waheed, Section Officer, Ministry of Communication, Akbar Azam Rajar, Deputy Secretary (E&D) Ministry of Energy (Power Division), M. Khurshid Deputy Director (Legal) PPRA, Farukh Bashir, Director General (HR) PPRA, and Shahadat Ali, Section Officer Ministry of Industries and Production.



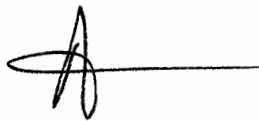
19. Haroon Ur Rashid, Section Officer, Ministry of Water Resources, provided the copies of 37th PPRA Board meetings' minutes with a covering note.
20. M. Waheed, Section Officer, Ministry of Communication, requested for more time to provide the requested information.
21. The Council for PPRA submitted the response in writing which is as under:

*"The captioned appeal is liable to be dismissed interalia on the following grounds:*

- 1. That the appellant before this Honourable Commission was not the Applicant before the public body (Cabinet Division). Section 17 of the 2017 Act requires that only an 'applicant' can file appeal against a public body. Since the appellant did not prefer any application before any public body, her direct appeal before this Honourable Commission is not competent.*
- 2. That the application was filed before the Cabinet Division (public body) only; subsequently, the appeal (without prejudice to the ground [1] above) could have been filed against the same public body before whom the application was filed.*
- 3. That the PPRA and all other bodies (except the Cabinet Division) have been issued directions in the proceedings in violation of the spirit of the 2017 Act. This Honourable Commission, it is respectfully submitted, does not have suo moto power under the 2017 Act. Further, PPRA was never impleaded as party in the appeal, therefore, no direction by this Honourable Commission can be issued to a body which is not even arrayed as party in the appeal.*
- 4. That the 2017 Act was promulgated to ensure the access of the citizens of Pakistan to the information available with the public bodies. The basic application dated 03-07-2020 filed by Mr. Syed Pervaiz Zahoor (and not by Mst. Saima Tasneem) manifestly reflects that Mr. Syed Pervaiz Zahoor (the applicant before Cabinet Division) had full access to the "information" contained in the documents listed therein. Therefore, there was no need to file any further application before the public body. The application dated 03-07-2020, seems to be misconceived and unjustified. The direct appeal by the appellant (Mst. Saima Tasneem) is also misconceived and unjustified and requires forthwith dismissal.*

*It is therefore most respectfully and humbly prayed that the captioned appeal may kindly be dismissed."*

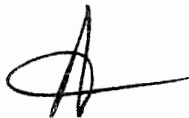
22. The hearing was adjourned for November 12, 2020 with the direction to the members of PPRA board who have not provided the requested information to provide the same within a week.
23. The hearing dated 12/11/2020 was attended by the Ms. Saima Tasneem, Appellant, Irfan Rafiq, Council for the appellant, Abdussabooh, Director (E&RT), Ministry of Communication, Waleed, Section Officer (Coord) Ministry of Communication, Akbar Azam Rajar, Deputy Secretary (E&D) Ministry of Energy (Power Division) and Shamsul Haq, Section Officer (Law), Ministry of Energy (Power Division).



24. Abdussabooh, Director (E&RT), Ministry of Communication, during the hearing said that the record is not available with the Secretary's office. The then Secretary Shoaib Siddique attended the 37th board meeting. Akbar Azam Rajar, Deputy Secretary (E&D) Ministry of Energy (Power Division) again requested for time to find out the record.
25. Hearing was adjourned for November 19, 2020 and hearing notices were received by the representative of Ministry of Communication and Ministry of Energy. While notices to the Secretary, Ministry of Industries and Production, Joint Secretary (RA III), Cabinet Division, Secretary, Ministry of Defence Production, Secretary, Finance Division, and Secretary, Ministry of Housing and Works were sent on November 17, 2020.
26. During the hearing held on November 19, 2020, Akbar Azam Rajar, Deputy Secretary, (E&D), Ministry of Energy, Power Division, Joint Secretary, Hassan Mahmood, Cabinet Division and Shahadat Ali Khan, Section Officer, Industries and Production Division submitted the attested copies of the originally documents circulated by PPRA to Secretaries as PPRA Board Members. Syed Hassan Muhammad, JS, (RA) Cabinet Division, Shahad Ali Khan, SO, Ministry of Industries and Production and Akbar Azam Rajar, Deputy Secretary, (E&D), Ministry of Energy, Power Division submitted copies of documents circulated by PPRA and received by these public bodies.

**C. Discussion and Commission's View on Relevant Issues**

27. The questions for the consideration of the commission are as under:
- (A) Can an Appellant seek copies of documents circulated by a federal public body to its board members?
- (B) Can a citizen file request for information through a counsel?
28. The learned counsel for PPRA submitted before the commission that "the appellant before this Honourable Commission was not the Applicant before the public body (Cabinet Division). Section 17 of the 2017 Act requires that only an 'applicant' can file appeal against a public body. Since the appellant did not prefer any application before any public body, her direct appeal before this Honourable Commission is not competent". This contention of the learned counsel misinformed as under Rule 4. 2 of the Right of Access to Information Rules 2019 "Any citizen of Pakistan or any person who is acting for or on behalf of such person may apply on a plain paper or by using the sample of the application form, as may be prescribed by the Information Commission".
29. The learned counsel of the PPRA submitted before the commission that "That the application was filed before the Cabinet Division (public body) only; subsequently, the appeal (without prejudice to the ground [1] above) could have been filed against the same public body before whom the application was filed". This assertion is factually incorrect as per record available on the file.
30. The learned counsel of the PPRA also submitted before the commission that "The basic application dated 03-07-2020 filed by Mr. Syed Pervaiz Zahoor (and not by Ms. Saima Tasneem) manifestly reflects that Mr. Syed Pervaiz Zahoor (the



applicant before Cabinet Division) had full access to the "information" contained in the documents listed therein. Therefore, there was no need to file any further application before the public body. The application dated 03-07-2020, seems to be misconceived and unjustified". This assertion is presumptuous and in conflict with the provisions of the Act. Section 11 (5) of the Act states:

*"In no case shall an applicant be required to provide reasons for his request"*

31. The learned counsel for PPRA submitted that "the PPRA and all other bodies (except the Cabinet Division) have been issued directions in the proceedings in violation of the spirit of the 2017 Act". The learned counsel of PPRA also submitted that "Further, PPRA was never impleaded as party in the appeal, therefore, no direction by this Honourable Commission can be issued to a body which is not even arrayed as party in the appeal".
32. The commission issued directions to the public bodies throughout the proceedings both in letter and spirit of the Act. Therefore, the contention of the learned counsel of PPRA does not hold water when seen in both letter and spirit of the Act.
33. In response to the notices of the commission as to why the requested information had not been provided to the Appellant, representatives, Cabinet Division and PPRA board members informed the commission that PPRA was the custodian of the records and that the PPRA board members had only received copies of the records as circulated by PPRA. Section Officer, Ministry of Industries and Production and Syed Hassan Mehmood, Joint Secretary RA III, the Representative of Cabinet Division showed copies of the documents to the commission and testified before the commission during the hearing on that copies received by them as PPRA board member and as controlling body of PPRA respectively were not the same as in the custody of PPRA as alleged by the Appellant. This commission needed to determine that records in the custody of PPRA and its copies were the same as circulated to PPRA board members.
34. The commission directed PPRA, its board members and Cabinet Division, as controlling body of PPRA to produce copies of the information/records circulated by PPRA before this commission as an evidence in the hearing before the commission. They were directed to produce this evidence under the powers vested in this commission under Section 20 (d) (i) (e) which is as under:

*" (d) Conduct inquiries in relation to an appeal and for this purpose shall have the powers of a civil court in respect for the following matters:*

  - i. Summoning and enforcing the attendance of witness and compelling them to give oral or written evidence on oath; and*
  - ii. Requiring public bodies to produce records as defined in section 6 pertaining to the appeal;*

*e) Order a public body to disclose information to an applicant or to take such other reasonable measures as it may deem necessary to remedy any failure to implement the provisions of this act;"*
35. The commission holds that Section 2 (v) defines information as "information based on record" and it includes information disseminated through copies of the records by custodian public body to other public bodies.





36. This commission is of the view that copies of the minutes of meetings and copies of the related documents are circulated to the board members to keep paper-trail of what transpires during the course of official meetings. As such, if a citizen has any doubt about the veracity of the records kept by a public body as their custodian, the citizen can get access to the copies of the records circulated, as official requirement, to any other public body. In this connection, the spirit of the Right of Access to Information Act 2017 needs to be understood which is articulated through the Preamble of the Act:

*"An act to provide for the rights of access to information in transparent and effective manner, subject only to reasonable restrictions imposed by law"*

"Whereas Government believes in transparency and the right to have access to information to ensure that the people of Islamic Republic of Pakistan have improved access to records held by public authorities and promote the purpose of making the government more accountable to its people, of improving participation by the people in public affairs, of reducing corruption and inefficiency in Government, of promoting sound economic growth, of promoting good governance and respect for human rights.

AND whereas it is expedient to provide for a law which gives effect to the fundamental right of access to information, as guaranteed under Article 19A of the Constitution of Islamic Republic of Pakistan and international law, whereby everyone shall have the right to have access to all information held by public bodies subject only to reasonable restrictions imposed by the law and for matters connected therewith or incidental thereto"

37. Even a cursory glance at the Preamble suggests that transparent functioning of public bodies through improved access to information held by public bodies is aimed at achieving purposes such as improving governance, reducing corruption and inefficiency in the government and promoting respect for human rights. Therefore, the spirit of the law dictates that the constitutionally guaranteed fundamental human right of the citizens cannot be sacrificed on the altar of technicalities identified by the learned counsel, which even otherwise do not merit consideration under provisions of the Act.
38. The documents submitted by PPRA board members i.e. Ministry of Water Resources, Ministry of Industries and Production, Ministry of Energy and representative of Cabinet Division, controlling body of PPRA, show that the Minutes of 37th meeting of the Public Procurement Regulatory Authority Board held on 1st April, 2019 contain 11 paras in total (3 pages). Whereas records produced by PPRA before this commission shows that Minutes of 37th meeting of the Public Procurement Regulatory Authority Board held on 1st April, 2019 contain additions in para 11 and consists of four pages. This addition in para 11 is reproduced here:

*"MD PPRA presented the Agenda Item in connection with the appointment related matters and apprised that Fifty-Two, (52) employees joined PPRA in pursuance of the decisions of various Writ Petitions against which I.C.A filed by the authority is pending adjudication. However, these employees are serving the initial probationary period of one year which is about to be exhausted. The Board deliberated that the court cases of PPRA should be fully defended in the relevant court of law being important in nature. It was apprised that the*





*Board may like to consider delegation of appropriate powers to MD PPRA to decide appointment related issues as well as of probation including confirmation, extension of probation and termination of service, court matters etc. of the newly recruited employees. After thorough deliberations, the Board decided as under:*

**Decision**

*The Board delegated all the powers to the Managing Director regarding decision on the appointment related issues as well as of probation including confirmation, extension of the probation and termination of service, relevant court matters as the case may be, and authorised him to decide accordingly being competent authority and the only full time Member of the PPRA Board”.*

39. The question before this commission is as to why the minutes of the same meeting produced before this commission by PPRA show sweeping powers delegated to MD, PPRA by its Board Members while these powers seem not to have been delegated to MD, PPRA as apparent from the copies circulated to its Board Members? Where is the office copy of 37<sup>th</sup> PPRA Board meeting whose copies were circulated by PPRA to its Board Members? Why certified copy of the minutes of the 37<sup>th</sup> PPRA Board meeting provided to this commission contains delegated powers to MD, PPRA whereas its copies circulated to its Board Members do not reflect such delegation of powers? What explains the discrepancy between the documents available with PPRA and their copies circulated to Board Members? Has the office copy of 37<sup>th</sup> meeting of PPRA Board Members been destroyed or tampered with? What have been the consequences of the unlawfully delegated powers as seems to be apparently the case when scrutinising the documents available with PPRA and their copies circulated to its Board Members? Do the consequences of unlawful delegation of powers include, as alleged by the Appellant, her termination from service without lawful authority?
40. The fact that representatives of Cabinet Division and PPRA Board Members submitted copies available with the Cabinet Division and PPRA Board Members were different than those made available to this commission by PPRA clearly suggests that powers pertaining to the recruitment of employees were unlawfully delegated to MD, PPRA. As such, Secretary, Cabinet Division, as head of controlling body of PPRA and Secretary, Finance, as Chairman of PPRA Board need to determine the factors behind this discrepancy and ensure that this matter is neither covered-up nor brushed under the carpet.
41. This commission is of the view that this is not a matter of mere error and omission but an extremely serious matter of unlawful appropriation of powers through tampering of official records. As such, it has serious consequences for PPRA employees and its functioning as an important regulatory body, established to ensure judicious utilizations of public funds in public procurements. This commission hopes that it is only a one-off case and not a trend.
42. This is prima facie a case of destruction or, tampering of official records, or both. As such, it needs to be investigated as an offence under Section 22 (1) (d) and (2) of the Right of Access to Information Act which is as under:  
*(d) “Destroying a record without lawful authority, shall be punishable with a fine not exceeding fifty thousand rupees*



*(2) In addition to any other action that may be taken under any other law for the time being in force, any person who wilfully destroys a record which at the time it was destroyed was the subject of an application for access to information which is the subject of an application or appeal, with the intention of preventing its disclosure under this Act, commits an offence punishable with imprisonment for a term which may extend to two years or with fine which shall not be less than one hundred thousand rupees or with both".*

43. As such, this commission is obligated to refer all record on the file to relevant agencies as required under Section 20 (1) (h) of the Act which is as under:

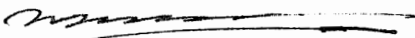
*"The information commission after determination of wilful destruct of record shall refer such matters to the relevant agencies"*

44. This commission is of the view that this matter needs to be thoroughly investigated by Director General, Federal Investigation Agency, (FIA). The commission hopes that if FIA investigation determines that the documents have been tempered with for nefarious ends, those involved will be brought to justice.

#### **D. Order**

45. Copy of this Order along with copies of the record as available on the file be sent to Director General, Federal Investigation Agency, (FIA) to investigate whether the discrepancy between the documents made available by PPRA to this commission and their copies circulated by PPRA to its Board Members constitutes an offence under Section 22 (1) (d) and (2) of the Right of Access to Information Act 2017, and, any resultant unlawful hiring or termination of PPRA employees.

46. Copies of this Order be sent to PPRA Board Members, Secretary to Prime Minister, Secretary, Establishment Division and the Appellant for information and necessary action.



**Mohammad Azam**

Chief Information Commissioner



**Fawad Malik**

Information Commissioner



**Zahid Abdullah**

Information Commissioner

Announced on:

January 13, 2021

This order consists of 11 (eleven) pages, each page has been read and signed



2  
**Pakistan Information Commission**  
**Government of Pakistan**

1<sup>st</sup> Floor, National Arcade, 4-A Plaza  
F-8 Markaz, Islamabad  
Website: [www.rti.gov.pk](http://www.rti.gov.pk)  
Phone: 051-9261014  
Email: [appeals@rti.gov.pk](mailto:appeals@rti.gov.pk)  
@PkInfoComm



Date: November 24, 2020

Appeal No: 455-08/20

**Salma Tasneem**

House No 894, Service Road North  
Section I-10/2  
Islamabad

Dear Appellant,

Please find enclosed information shared by Cabinet Division, Industries and Production Division and Ministry of Energy (Power Division) in response to your appeal against PPRA Board Members.

2. The information shared by the Ministry of Energy (Power Division) is comprising of 11 pages along with a cover letter signed by Shamsul Haq – Section Officer Law – Ministry of Energy (Power Division). The information shared by the respondent shows that the 37th PPRA Board meeting held on 1st April, 2019 is comprising of 11 paras in total (3 pages). Index of the shared information is given below.

Page Number	Content / Description	Reference
Page 1	Cover letter signed by Shamsul Haq, Section Officer Law	No. 3 (1)/2020-Law
Page 2	Letter signed by Fida Muhammad Wazir, the then Managing Director	F.N. 7(40)/Admn/PPRA/2019
Page 3	Agenda Items	PIC-455-02
Page 4	Working Paper	PIC-455-03
Page 5	Minutes of 37th meeting of the Public Procurement Regulatory Authority Board held on 1st April, 2019 (comprising 11 paras in total)	PIC-455-04
Page 6	Minutes of 37 <sup>th</sup> PPRA Board meeting (Contd.)	PIC-455-05
Page 7	Minutes of 37 <sup>th</sup> PPRA Board meeting	PIC-455-06
Page 8	Attendance sheet of 37th meeting of the PPRA Board held on 1st April, 2019	PIC-455-07
Page 9	Meeting of the Federal Cabinet dated 04th April, 2019	PIC-455-08

Page 10	Summary for Cabinet Division	PIC-455-09
Page 11	Insertion of Provision of "Unsolicited Proposal" In PPRA Rules, 2004"	PIC-455-10

3. The information shared by the Industries and Production Division is comprising of 10 pages along with a cover letter signed by Shahdat Ali Khan – Section Officer (Admn-II) – Industries and Production Division. The information shared by the respondent shows that the 37th PPRA Board meeting held on 1st April, 2019 is comprising of 11 paras in total (3 pages). Index of the shared information is given below.

Page Number	Content / Description	Reference
Page 1	Cover letter signed by Shahdat Ali Khan Section Officer (Admn-II)	F.No.10(11)/2007-ADMN-II
Page 2	Letter signed by Fida Muhammad Wazir, the then Managing Director	F.N. 7(40)/Admn/PPRA/2019
Page 3	Working Paper – Meeting of the Federal Cabinet	5
Page 4	Minutes of 37 <sup>th</sup> PPRA Board meeting (Contd.)	6
Page 5	Minutes of 37 <sup>th</sup> PPRA Board meeting (Contd.)	7
Page 6	Minutes of 37 <sup>th</sup> PPRA Board meeting	8
Page 7	List of Participants	9
Page 8	Notification of Meeting of the Federal Cabinet dated 4th April	No. 15/CM/2019-N
Page 9	Summary for Cabinet Division	11
Page 10	Insertion of Provision of "Unsolicited Proposal" In PPRA Rules, 2004"	12

4. The information produced by Mr. Hassan Mehmood – Joint Secretary (RA-III) – Cabinet Division during the hearing of the appeal before the commission is comprising of 07 pages. The information shared by the respondent shows that the 37th PPRA Board meeting held on 1st April, 2019 is comprising of 11 paras in total (3 pages). Index of the shared information is given below.

Page Number	Content / Description	Reference
Page 1	Notification of Meeting of the Federal Cabinet	F.No. 01(26)/M&E/PPRA/2018/
Page 2	Minutes of 37 <sup>th</sup> PPRA Board meeting (Contd.)	1880
Page 3	Minutes of 37 <sup>th</sup> PPRA Board meeting (Contd.)	1881
Page 4	Minutes of 37 <sup>th</sup> PPRA Board meeting.	1882
Page 5	List of the participants	1883

*Mu*

Page 6	Working Paper, Agenda Item No 1, Meeting of the Federal Cabinet	3004
Page 7	Summary of the Cabinet Division	PIC-455-11

5. If you are not satisfied with response of the public body, please contact Pakistan Information Commission in writing. Otherwise, it will be presumed that you are satisfied with response of the public body and the case will be closed.



**Ikram Ul Haq**  
Registrar

**IKRAM UL HAQ**  
Registrar  
Pakistan Information Commission  
Government of Pakistan

# **IN THE ISLAMABAD HIGH COURT ISLAMABAD**

**Writ Petition No. 3337-2021**

Ms. Saima Tasneem D/o Khawaja Tasneem Anwar, ex-DG (HR), PPRA, R/o House No.894, Service Road, North Sector I-10/2, Islamabad.

**Petitioner**

## **VERSUS**

1. Federal Investigation Agency (FIA) through it's Director General, FIA HQtrs, Sector G-9/4, Islamabad.
2. Director, Federal Investigation Agency (FIA) Islamabad Zone Sector G-13/3, Islamabad.
3. Inquiry Officer, of Inquiry No.FIA/ACC/RE-41/2021/1054) (Federal Investigation Agency) Islamabad Zone, Sector G-13/3, Islamabad.
4. Pakistan Information Commission (PIC) through Chief Information Commissioner, 1<sup>st</sup> Floor, National Arcade, Sector F-8, Markaz Islamabad.
5. Public Procurement Regulatory Authority (PPRA) through it's Chairman PPRA Board/Secretary Finance Division, Q-Block Pak-Sectt, Islamabad.
6. Mr. Fida Muhammad Wazir, ex-MD (PPRA) through Secretary Establishment Division, Cabinet Block Islamabad.

**Respondents**

For Private Use

02 NOV 2021

Examiner  
Copy Supply Section  
Islamabad High Court  
Islamabad

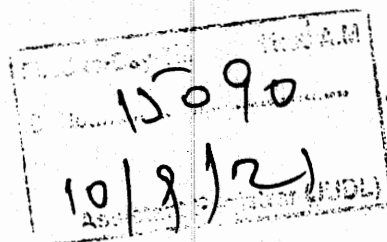
## **WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN, 1973**

### **Respectfully Sheweth :**

This court has exercised its jurisdiction many a times over the inactions of Public functionaries especially when some offence is committed; then, abrupt actions are required under the basic principles of criminal jurisprudence. The petitioner is also laying important information for the kind perusal of this Hon'able Court. Hence, this petition among others on the following:

### **FACTS**

1. That the petitioner was selected as Director General (HR) PPRA on 02.01.2018; but Managing Director (PPRA) did not issue her appointment letter and she approached Hon'able Islamabad High Court alongwith others aggrieved candidates by filling WP No.348/2018 as a result of which MD (PPRA) Mr. Fida Muhammad Wazir (Respondent No.6) issued her appointment letter and she joined on 20.06.2018.



**ORDER SHEET**

**IN THE ISLAMABAD HIGH COURT, ISLAMABAD**  
**JUDICIAL DEPARTMENT**

W.P. No.3337 of 2021

Ms. Saima Tasneem

Vs

Federal Investigation Agency etc.

S. No. of order/ proceeding	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
-----------------------------------	----------------------------------	--

01.11.2021 Mr. Riaz Hanif Rahi, Advocate for the  
petitioner.  
Hafiz Arfat Ahmed Chaudhary, Advocate for  
the respondent No.4.  
Ch. Muhammad Tahir Mahmood, A.A.G.  
Mr. Irfan S.O. (Lit.).

Despite notice no one is in attendance  
on behalf of Federal Investigation Agency/  
respondents No.1 to 3.

2. Let respondent No.3 appear in person  
on the next date of hearing alongwith record.

3. Relist on 29.11.2021.

Certified to Be True Copy

02 NOV 2021

Examiner  
Copy Supply Section  
Authorised Under article-87 of  
Qanoon-e-Shahadat Order 1984  
Islamabad High Court  
Islamabad

\*M. Naveed\*

(AAMER FAROOQ)  
JUDGE

**ORDER SHEET**  
**IN THE ISLAMABAD HIGH COURT, ISLAMABAD.**  
**JUDICIAL DEPARTMENT.**

W.P. No.3337-2021

Ms. Saima Tasneem

Vs.

Federal Investigation Agency (FIA) through its Director General, Islamabad  
etc.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
------------------------------------	----------------------------------	--

22.10.2021

CM No.4374-2021

Mr. Riaz Hanif Rahi, Advocate for petitioner.

This is an application requesting fixation  
of all connected matters along with CM No.4055-  
2021.

2. The request is plausible hence allowed.  
Office shall fix instant writ petition along with  
W.P. No.3331-2021, W.P. No.2991-2021, CM  
(Indp.) No.3571-2021, CM No.4055-2021 as well  
as CM No.4394-2021.

3. The application is disposed of accordingly.

Certified to Be True Copy  
02 NOV 2021  
Examiner  
Copy Supply Section  
Authorised Under a scale-87 of  
Qanoon-e-Shahadat Order 1984  
Islamabad High Court  
Islamabad

  
(AAMER FAROOQ)  
JUDGE



Form No: HCJD/C-121.

**ORDER SHEET**  
**ISLAMABAD HIGH COURT, ISLAMABAD.**  
**JUDICIAL DEPARTMENT**

**W.P No.3337 of 2021**

**Ms. Salma Tasneem**

**Vs**

**Federal Investigation Agency (FIA), etc.**

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
------------------------------	----------------------------	---

22.09.2021. Mr. Riaz Hanif Rahi, Advocate for the petitioner.

Through the instant petition, the petitioner seeks direction to Federal Investigation Agency for conducting the investigation pursuant to the order passed by respondent No.4.

2. Learned counsel for the petitioner, *inter-alia*, contended that the Federal Investigation Agency (FIA) is not conducting the investigation as its required under the law.

**Certified to Be True Copy.**

02 NOV 2021

Examiner  
Copy Supply Section  
Authorised Under article-87 of  
Qanoon-e-Shahadat Order 1984  
Islamabad High Court  
Islamabad

Notice to the respondents. At this juncture, Hafiz Arfat Ahmad Chaudhry, Advocate accepts notice on behalf of respondent 5. To be heard alongwith W.P No.3331 of 2021.

**C.M No.01 of 2021**

Dispensation sought for is allowed subject to all just and legal exceptions.



**(AAMER FAROOQ)**  
**JUDGE**

# **IN THE ISLAMABAD HIGH COURT ISLAMABAD**

**Writ Petition No. 8337-2021**

Ms. Saima Tasneem D/o Khawaja Tasneem Anwar, ex-DG (HR), PPRA, R/o House No.894, Service Road, North Sector I-10/2, Islamabad.

**Petitioner**

## **VERSUS**

1. Federal Investigation Agency (FIA) through it's Director General, FIA HQtrs, Sector G-9/4, Islamabad.
2. Director, Federal Investigation Agency (FIA) Islamabad Zone Sector G-13/3, Islamabad.
3. Inquiry Officer, of Inquiry No.FIA/ACC/RE-41/2021/1054) (Federal Investigation Agency) Islamabad Zone, Sector G-13/3, Islamabad.
4. Pakistan Information Commission (PIC) through Chief Information Commissioner, 1<sup>st</sup> Floor, National Arcade, Sector F-8, Markaz Islamabad.
5. Public Procurement Regulatory Authority (PPRA) through it's Chairman PPRA Board/Secretary Finance Division, Q-Block Pak-Sectt, Islamabad.
6. Mr. Fida Muhammad Wazir, ex-MD (PPRA) through Secretary Establishment Division, Cabinet Block Islamabad.

**Respondents**

## **WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN, 1973**

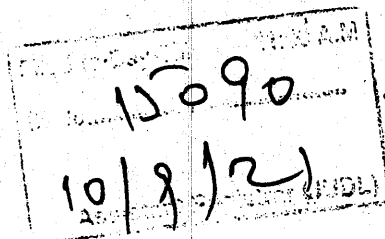
**Respectfully Sheweth :**

Examination  
Copy Supply Section  
Islamabad High Court  
Islamabad

This court has exercised its jurisdiction many a times over the inactions of Public functionaries especially when some offence is committed; then, abrupt actions are required under the basic principles of criminal jurisprudence. The petitioner is also laying important information for the kind perusal of this Hon'able Court. Hence, this petition among others on the following:

### **FACTS**

1. That the petitioner was selected as Director General (HR) PPRA on 02.01.2018; but Managing Director (PPRA) did not issue her appointment letter and she approached Hon'able Islamabad High Court alongwith others aggrieved candidates by filling WP No.348/2018 as a result of which MD (PPRA) Mr. Fida Muhammad Wazir (Respondent No.6) issued her appointment letter and she joined on 20.06.2018.



2. That the Respondent No.6 was summoned in person on 21.05.2018 in WP No.348 & WP No.578 of 2018 by this Hon'able Court and his attendance was recorded in the order which grudge remained in his mind and he terminated the petitioner on 17.05.2019 which order she assailed by WP No.2088/2019 which remained upheld in ICA and there against CPLA No.2546/2020 was filed.
3. That during the pendency of CPLA, Pakistan Information Commission (PIC) delivered its decision on 13.01.2020 on the application/appeal moved by the petitioner on the basis of which application under section 12 (2) CPC has been moved by one of the petitioner aggrieved from order dated 18.02.2020 whose WP No.2089/2019 was also clubbed with WP No.2088/2019 filed by the petitioner and now this Hon'able Court has issued notices on 02.09.2021 and it has been clubbed with another WP No.2991/2021 filed by another petitioner against her order of termination.
4. That Respondent No.4 sent its report/decision dated 13.01.2021 to Respondent No.1 for proceedings in accordance with law but this official complaint was registered as inquiry on 07.06.2021 and still hanging and lingering on under extraneous considerations and influences.
5. That the petitioner also moved application disclosing commission of cognizable offence in the said complaint for inquiry and registration of case on 06.09.2021 which is required by law to be treated on fast track but inquiry officer has not yet called the parties for hearing and this petition is in order to foster the cause of justice.
6. That the Respondent No.6 also influenced the Board in order to justify his forged and fabricated power of 37<sup>th</sup> Board Meeting in the 39<sup>th</sup> BOD's Meeting held on 25.11.2019 and this maneuvering and fabrication is again after thought and there is no law which allow the waiveing of legal wrong amounting to offence by this manner and executive actions are always prospective. Moreover, the act done under the forged power became complete on 17.05.2019 which date is prior to the holding of 39<sup>th</sup> BOD's meeting. Respondent No.6 remained present before the Commission i.e. Respondent No.4 through his counsel Hafiz Arfat Ahmed Chaudhry as depict from Para 11 of the report but 39<sup>th</sup> BOD's Meeting was not used as defense, but rectification is in fact under confusion and to raise factual controversy.

- i. Copy of petitioner application dated 06.09.2021 addressed to Director (FIA) is placed on Annex-A.
- ii. Copy of order dated 21.05.2018 in WP No.348 & 578 of 2018 is placed on Annex-B.
- iii. Copy of PIC report dated 13.01.2021 is placed on Annex-C.
- iv. Copy of Actual & Bogus Minutes of 37<sup>th</sup> BOD's Meeting is placed on Annex-D & Annex-E respectively.
- v. Copy of 38<sup>th</sup> BOD's Meeting Minutes is placed on Annex-E.
- vi. Copy of 39<sup>th</sup> BOD's Meeting Minutes is placed on Annex-G.
- vii. Copy of this Court Orders dated 26.08.2021 & 02.09.2021 passed in WP No.2991/2021 & CM Independent No.3571/2021 are placed on Annex-H & Annex H-I



Notified to Be the

02 NOV 2021

Examiner  
Copy Supply &  
Authorised Under Article-87 of  
Constitution of Islamabad  
Islamabad High Court  
Islamabad

7. That Respondent No.6 is collusive with Respondent No.5 by different means with mala fide intention and continuously obstructing the process of law, which is the main reason for filing this petition on the following :

### GROUND

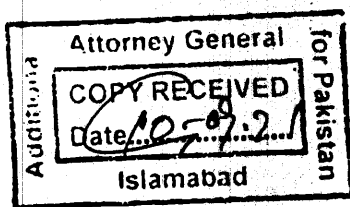
- A. That the valuable fundamental rights of the petitioner for having easy access to justice, fair trial and to be treated equally under Articles 2-A, 4, 9, 10A, 18 and 25 of the constitution are being infringed for the enforcement of which she is approaching this Hon'able Court.
- B. That fraud vitiate most solemn transactions is the settled law of the land and in view of the PIC report/decision dated 13.01.2021 attached with this petition, it is established that fraud has been played with the petitioner while passing the termination order dated 17.05.2019 and power exercised by terminating authority MD (PPRA) i.e Respondent No.6 and others amount to commission of an offence for which FIR under section 154 Cr. PC as interpreted in PLD 2007 SC 539 is warranted under the law.
- C. That the settled principles administration of justice and criminal jurisprudence lie in favour of concluding the inquiry and registration of case immediately as justice delayed is justice denied.
- D. That the Petitioner having no other adequate and efficacious remedy in the circumstances, to invoke the Extra-Ordinary Constitutional Jurisdiction of this Hon'ble Court.

### PRAYER

In view of the foregoing submissions, it is most respectfully prayed that :

- Report may please be requisition from Respondents No.1 to 3 with regard to the progress of Inquiry No.FIA/ACC/RE-41/2021/1054 as to what steps they have taken on PIC report/decision dated 13.01.2021.
- Direct the Respondents No.2 to 3 to club the application of the Petitioner dated 06.09.2021 with the aforementioned inquiry on the PIC report.
- Direct the Respondents No.2 to 3 to register the case under the relevant provisions of law by taking into considerations the provisions mentioned in the application dated 06.09.2021.

Any other relief equitable and just to which the Petitioner may be found entitled to in the circumstances may very kindly also be granted.



Certified to Be True Copy

02 NOV 2021

Examiner  
Copy/Supply Section  
Authorised Under article-87 of  
Qanoon-e-Shahadat Order 1984

Through

Advocate Supreme Court (CC-15965)

Certificate: Petitions filed by other terminated employees i.e. WP No.2991/2021 and CM IND No.3571/2021 are already pending before single Bench of Justice Aamir Farooq in this Hon'able Court.

Petitioner

(Riaz Hanif Rahi)

Counsel

IN THE ISLAMABAD HIGH COURT ISLAMABAD

CM. No. /2021

IN

Writ Petition No. 3337 /2021

Ms. Saima Tasneem D/o Khawaja Tasneem Anwar, ex-DG (HR), PPRA, R/o House No.894, Service Road, North Sector I-10/2, Islamabad.

Petitioner

VERSUS


Federal Investigation Agency (FIA) thorough its Director General, FIA HQtrs, Sector G-9/4, Islamabad & 5 Others.

Respondents

**WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN, 1973**

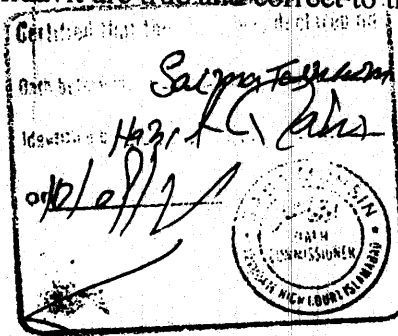
**AFFIDAVIT**

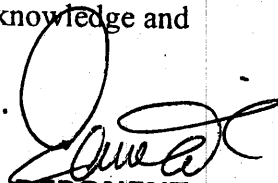
I, Saima Tasneem D/o Khawaja Tasneem Anwar, ex-DG (HR), PPRA, R/o House No.894, Service Road, North Sector I-10/2, Islamabad, do hereby solemnly affirm and declare that the contents of the captioned writ petition are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld therefrom.

  
DEPONENT

Certified to Be True Copy

Verified on oath at Islamabad on this the 02 day of NOV 2021 that the contents of the above affidavit are true and correct to the best of my knowledge and belief.  
Conv. Supply Section  
Authorised Under article-87 of  
Qanoon-e-Shahadat Order 1984  
Islamabad High Court  
Islamabad



  
DEPONENT

**Mr. Saleem Mandviwalla, (Deputy Chairman),  
Senate of Pakistan, Islamabad**

**Illegal Appointment of Muhammad Khurshid as Deputy Director**

1. Muhammad Khurshid joined P.P.R.A as Deputy Director on 31.07.2018. He does not possess the required length of experience **Even One Day on regular/full-time Job** after obtaining the required Qualification as required under (Annex-A) PPRA Regulations. He prepared **BOGUS/FAKE/FALSE** experience certificates/documents and used for shortlisting initially through OTS Form and later submitted to selection committee at the time of interview and Joining.
2. The selection committee members (Annex-B) Mr. Ali Temoor, DD-HR, Mr. Rizwan Mahmood DD, Yasir Shamim Khan DD, received **Rs.1,500,000/-** from Muhammad Khurshid before interview and considered his **Contract Job Experience Certificates/Documents as Regular Post/full-time Job** for Deputy Director Post and cleared his **BOGUS/FAKE/FALSE** experience documents at the time of interview and facilitate him actively during whole selection process till joining.
3. Muhammad Khurshid does not possess the prescribed length of recognized Experience of **5-Years** against the Regular Post of BPS-17, whereas he submitted his credentials stating that he started his career from **07-11-2012 to 20-09-2017 i.e. 04 Years 10 Months and 17 Days on Contract Basis** which is also **01-Month and 13-Days Short of the required Prescribed Experience**, whereas the term "experience" is defined in PPRA Service Regulations Appendix-2, (2) (iii) (a) that "(a) "Experience" means, experience gained in a regular/full-time job after obtaining the required qualifications:". (Annex-D)
4. Muhammad Khurshid made an alliance with illegally appointed Muhammad Zubair (DG), Mr. Ali Temoor, DD-HR, Muhammad Khurshid (DD), Mr. Rizwan Mahmood DD, Mr. Yasir Shamim Khan DD, to achieve their vested motives in PPRA and actively take part in evaluation process and termination of services of newly selected more than **15 Numbers new PPRA Employees during Probation.** (Annex-E)
5. Muhammad Zubair (DG) used the illegal appointed **Muhammad Khurshid**, in different departments, Universities, Boards, where he personally visited to verify/obtain the documents and find out the deficiencies in Qualifications and Experience Certificates and makes the grounds for Termination of Services of New Employees during Probation Period. **The illegal appointed Mr. Ali Temoor and Muhammad Zubair forwarded the new employees Termination Cases Files to Muhammad Khurshid for Evaluation and Legal Advice where he gives the Legal Advice on each file of New Employee and Proposed/Recommended the Termination of Services of 15-Numbers New Selected Employees during Probation. The Termination of Service of 15-Numbers Employees Cases FILES could be checked.**
6. It is required that to obtained the copy of OTS form of Muhammad Khurshid from Open Testing Service (OTS) office Islamabad, because initially he committed fraud through mentioning Bogus/Fake/False Experience Period on OTS Form and gets Eligibility for Shortlisting and for issuance of call letter for written test. MD (PPRA) also did not allowed joining to Director (F&A) on the same Ground of Lacking required Experience vide letter No.1(48)/Admn/PPRA/2018 dated 14-01-2019. (Annex-G). He obtained the Job through Fraud, Mis-representation and deceitful manner which itself is criminal offence under section 420, 468, and 471 of PPC 1860.



7. Kindly issue directions for inquiry on whole selection process of Muhammad Khurshid through obtaining his OTS Form from Open Testing Services (OTS) Islamabad office and issue his removal from service orders. Please also initiate the proceedings of Misconduct and Criminal under section 420, 468, and 471 of PPC 1860 against the selection committee members and Muhammad Khurshid (NIC No. 32304 -93191673-3) through Federal Investigation Agency (FIA) without any delay.

*Sohail*

Muhammad Sohail Akram

S/o Muhammad Akram, NIC No.37302-1372189-9

H.No.46-K, Street No. 39, Sector 1-8/2, Islamabad

Copy To :

1.	Mr. Abdul Razak Dawood, Advisor On (C & I) PM Office, Islamabad.
2.	Mirza Shahzad Akbar, SA, for (A&I), PM Office, Islamabad.
3.	Mohammad Shahzad Arbab, SA, on Establishment, Islamabad.
4.	Dr. Ishrat Hussain, Advisor On (IR & A) PM Office, Islamabad.
5.	Principal Secretary, to Prime Minister (PSPM), PM Office, Islamabad.
6.	Secretary, to President of Pakistan, President Sectt, Islamabad.
7.	Special Secretary to Cabinet Division, Islamabad.
8.	Special Secretary to Finance Division, Islamabad.
9.	Special Secretary to Establishment Division, Islamabad.
10.	Secretary, Cabinet Division, Islamabad.
11.	Secretary, Establishment Division, Islamabad.
12.	Secretary, Defence Production Division, (Member Board), Rawalpindi.
13.	Secretary, M/o Energy (Power Division) (Member Board), Islamabad.
14.	Secretary, Ministry of Housing & Works (Member Board), Islamabad.
15.	Secretary, Ministry of Communications (Member Board), Islamabad.
16.	Secretary, M/o Industries and Production, (Member Board) Islamabad
17.	Additional Secretary-I, (BS-21) Prime Minister Office, Islamabad.
18.	Additional Secretary-II, (BS-21) Prime Minister Office, Islamabad.
19.	Additional Secretary, (Exp/HRM/Dev) Finance Division, Islamabad.
20.	Additional Secretary, (IGF & Reg) Finance Division, Islamabad.
21.	Additional Finance Secretary, (Budget) Finance Division, Islamabad.
22.	Joint Secretary (BI) Finance Division, Islamabad.
23.	Director General, NITB, Islamabad.
24.	Director General, Federal Audit Islamabad.
25.	President, Islamabad High Court Bar Association Islamabad.
26.	Registrar, Islamabad High Court Islamabad.
27.	Director, Open Testing Services (OTS) Islamabad
28.	Chairman, Transparency International (TIP), Karachi.
29.	President National Press Club Islamabad.
30.	Director General, Federal Investigation Agency (FIA) Islamabad.
38.	Secretary General National Press Club Islamabad.
39.	Secretary, Primary & Secondary Healthcare Department Govt, of Punjab, Lahore.
40.	Registrar, Pakistan Institute of Development Economic (PIDE) Islamabad.
41.	Director General, Punjab food Authority (PFA), Lahore

9. سیکرٹری (لاء ڈویژن اسلام آباد)  
10. سیکرٹری کمینٹ ڈویژن (اسلام آباد)

- 1- میاں ثاقب ثار صاحب، چیف جسٹس سپریم کورٹ آف پاکستان، اسلام آباد
  - 2- جسٹس قاضی فائز عیسیٰ صاحب، سپریم کورٹ آف پاکستان اسلام آباد
  - 3- جسٹس محمد انور خان کاسی، چیف جسٹس اسلام آباد ہائی کورٹ، اسلام آباد
  - 4- جسٹس شوکت عزیز صدیقی صاحب، اسلام آباد ہائی کورٹ، اسلام آباد
  - 5- جسٹس محسن اختر کیانی صاحب، اسلام آباد ہائی کورٹ، اسلام آباد
  - 6- جسٹس میاں گل حسن اورنگزیب صاحب، اسلام آباد ہائی کورٹ، اسلام آباد
  - 7- جسٹس اطہر من اللہ صاحب، اسلام آباد ہائی کورٹ، اسلام آباد
  - 8- جسٹس عامر فاروق صاحب، اسلام آباد ہائی کورٹ، اسلام آباد
- عنوان: غیر قانونی تعیناتیاں آف پرائیویٹ وکلاء۔

جناب عالی

میں اس درخواست کے ذریعے کمینٹ ڈویژن کے ماتحت ایک خود مختار ادارے PPRA کے افسران کے غیر قانونی اقدامات کے بارے میں مطلع کرنا چاہتی ہوں۔ PPRA کے خلاف اس وقت سپریم کورٹ میں ایک اور ہائی کورٹ اسلام آباد میں چھ (6) Appointments سے متعلقہ Cases زیر سماعت ہیں۔ PPRA اور کمینٹ ڈویژن کے افسران نے Law Division اور Attorney General کی اجازت بغیر پرائیویٹ وکیلوں کی خدمات حاصل کی ہوئی ہیں۔ جو کہ پیش ہیں:

S. No.	Case No.	Court	Fee Paid
1	WP-348/2018	IHC (Shoutkat Aziz Siddiqui)	498,000/-
2	CrI.O.P No. 189/2016	SC	500,000/-
3	ICA No. 621/2014	IHC	85000/-
TOTAL			1083000/-

سیکرٹری کمینٹ ڈویژن اور PPRA کے افسران درج بالا مزید کیسوں میں بھی پرائیویٹ وکیلوں کی خدمات

حاصل کرنا چاہتے ہیں۔

S. No.	Case No.	IHC	Fee Under Process
1	WP-1092/2018	میاں گل حسن اورنگزیب	498000
2	WP-1553/2018	میاں گل حسن اورنگزیب	498000
3	WP-1551/2018	میاں گل حسن اورنگزیب	498000
4	WP-578/2018	شوکت عزیز صدیقی	498000
TOTAL			199,2000



- 1 بخدمت جناب وزیراعظم پاکستان جناب عمران خان صاحب
- 2 سیکرٹری فنانس ڈویژن، اسلام آباد
- 3 سیکرٹری کینٹ ڈویژن، اسلام آباد
- 4 سیکرٹری اسٹیبلشمنٹ ڈویژن، اسلام آباد
- 5 چیئر مین نیب، اسلام آباد
- 6 PPRA، MD، اسلام آباد
- 7 DG، ایف آئی اے، اسلام آباد
- 8 ڈائریکٹر جنرل پنجاب فوڈ اتھارٹی، لاہور
- 9 Director-Training، پی پی آر اے، اسلام آباد
- 10 DG-IT، پی پی آر اے، اسلام آباد
- 11 DG-HR، پی پی آر اے، اسلام آباد

### عنوان: محمد خورشید کی بطور ڈپٹی ڈائریکٹر غیر قانونی بھرتی

میں اس خط کے ذریعے تمام افسران بالا کے علم میں لانا چاہتا ہوں کہ محمد خورشید ولد محمد رمضان کی PPRA میں بطور ڈپٹی ڈائریکٹر بھرتی غیر قانونی طور پر ہوئی ہے۔

PPRA کی سلیکشن کمیٹی کے ممبران، علی تیمور، یاسر شمیم خان اور رضوان محمود نے 15 لاکھ روپے محمد خورشید سے DD کی پوسٹ پر بھرتی ہونے کے لیے لیے ہیں۔ ان تینوں ممبران کمیٹی نے غیر قانونی طور پر محمد خورشید کی معاونت کر کے DD کی پوسٹ پر سلیکٹ کیا ہے۔

حقیقت یہ ہے کہ محمد خورشید ساکنہ مظفر گڑھ کا گریڈ 17 کی ریگولر پوسٹ پر 5 سال کا تجربہ نہیں ہے۔ محمد خورشید جعلی تجربہ کے سرٹیفیکیٹ، جعلی اسناد اور جعلی ڈومیسائل کے ذریعے PPRA میں بھرتی ہوا ہے۔۔

تمام افسران سے عرض ہے کہ محمد خورشید ولد محمد رمضان کی PPRA میں بطور DD تعیناتی کو غیر قانونی قرار دیا جائے اور PPRA کی سلیکشن کمیٹی کے ممبران کے خلاف کارروائی کی جائے۔

یہ کہ محمد خورشید کے تمام آڈرز اور ڈگریوں، تعلیمی اسناد کی کاپیاں (کل تعداد 22 عدد) اس خط کے ساتھ منسلک ہیں۔ اس DD کی پوسٹ کے اہل متبادل امیدوار محمد ابرار ولد محمد سلیم کو نوکری کے آرڈر جاری کیے جائیں۔

رضوان عباسی

منسٹری آف ہیومن ریسورس، اسلام آباد

1-بخدمت جناب چیف آف آرمی سٹاف GHQ راولپنڈی

2-وزیراعظم پاکستان اسلام آباد

3- ڈائریکٹر جنرل SPD GHQ راولپنڈی

4-DG-IB اسلام آباد

5-چیرمین PNRA اسلام آباد

6-چیف جسٹس اسلام آباد ہائی کورٹ اسلام آباد

7-سیکرٹری کابینہ ڈویژن اسلام آباد

8-ہیرسٹر آف مینے عباس (ABS&Co) اسلام آباد

9-سیکرٹری فنانس ڈویژن چیرمین PPRA اسلام آباد

subject: Blackmailing and incompetency and Misconduct of M. Zubair

جناب عالی!

میں اس درخواست کے ذریعے محمد زبیر کے غیر قانونی اقدامات اور اور بلیک میل کرے کے طریقوں کا پردہ چاک کرنا چاہتا ہوں۔ تفصیل یہ ہے کہ!

1- محمد زبیر یک وقت اس ملک کے 2 حساس گورنمنٹ کے اداروں میں کام کر رہا ہے۔ یہ اس وقت PNRA میں SPS-9/BS-18 کی پوسٹ پر بطور Sr. Engineer اور PPRA میں DG (M&E) کی پوسٹ پر 01-06-2018 سے کام کر رہا ہے۔

2- محمد زبیر نے PNRA سے relieve ہوئے بغیر PPRA میں DG (M/E) کی پوسٹ کو مورخہ 01-06-2018 کو جوائن کیا ہوا ہے جو کہ ایک Gross Misconduct اور سنگین جرم ہے۔ قانونی تقاضہ یہ ہے کہ محمد زبیر پہلے PNRA سے relieve ہوتا پھر PPRA کو جوائن کرتا۔ محمد زبیر یک وقت 2 گورنمنٹ کے اداروں سے مراعات نہیں لے سکتا۔

3- محمد زبیر نے PNRA اور SPD سے سیکورٹی کلیئر نس لیے بغیر ہی PPRA کو جوائن کیا ہوا ہے۔ یہ اب تک SPD اور PNRA کے میڈیکل ٹریٹمنٹ کے پینل پر موجود ہے اور PPRA اور SPD دونوں اداروں سے میڈیکل کی سہولیات اور مراعات لے رہا ہے۔

4- محمد زبیر نے رٹ نمبر 4750/2018 میں موقف اختیار کیا ہے کہ PNRA/SPD نے اسے اب تک relieve نہیں کیا ہوا ہے۔ چیئر مین PNRA اور ممبر اس کے Relieving آڈر جاری نہ کر کے غیر قانونی طور پر اس کی معاونت کر رہے ہیں۔ جس کی وجہ سے محمد زبیر 2 اداروں سے مراعات لے رہا ہے۔ PNRA نے مورخہ 27/7/2018 اور 29/8/2018 کو محمد زبیر کو لیٹر کے ذریعے مطلع کیا کہ وہ ابھی تک relieve نہیں ہوا ہے۔

5- محمد زبیر کی PPRA میں بطور DG (M&E) سلیکشن میرٹ سے ہٹ کر ہوئی ہے۔ یہ گورنمنٹ کا اصول ہے کہ through proper channel کے ذریعے apply کرتے وقت صرف ان ملازمین کو NOC جاری کیا جاتا ہے۔ جو ہر لحاظ سے متعلقہ پوسٹ کے لیے مطلوبہ تجربہ / تعلیمی قابلیت کے حساب سے معیار پر پورے اترتے ہوں۔

نوٹ:- موجودہ MD PPRA کہ مخالف WP - 1537 د Co-Warrant کے نتیجے میں محمد زبیر کا ہاتھ

2018

[recognize and verifiable]  
 PPRA-6 میں DG(M&E) کی پوسٹ کے لیے Post Qualification کا تجربہ درکار تھا۔ PNRA والوں نے محمد زبیر کو NOC غلط طور پر جاری کیا ہوا ہے۔ کیونکہ محمد زبیر کا متعلقہ تجربہ اور Post Qualification کا تجربہ اور مطلوبہ تعلیمی قابلیت پوری نہیں تھی۔ محمد زبیر نے PNRA کے چیئر مین اور نمبرز کو Pressurize اور blackmail کر کے NOC لیا ہے۔ PNRA کے متعلقہ افسران کی ملی بھگت سے یہ سب کچھ ہو رہا ہے۔

6 محمد زبیر بنیادی طور پر Incompetent, Problems Maker, Black Mailer, Litigant, Negative Mind Habitual Litigant ہے۔ یہ اپنے اختیارات سے تجاوز کرتے ہوئے غیر قانونی طریقے اور بغیر کسی ثبوت کے مختلف اداروں میں بیٹھے افسران کے خلاف انکوائریاں کرتا ہے اور بعد میں سخت سزائیں تجویز کر کے مختلف افسران کے carrier کو داغدار کر کے Blackmail کرتا ہے۔ اس وقت محمد زبیر کے غیر قانونی اقدامات اور انکوائریوں کے خلاف مختلف کورٹس میں مقدمات اور کیسز دائر ہو چکے ہیں۔

1- منسٹری آف پوسٹل کے گریڈ 20 کے ایک آفیسر نے اسلام آباد ہائی کورٹ میں محمد زبیر کی غیر قانونی انکوائری کے خلاف رٹ نمبر 4116/2018 دائر کی ہوئی ہے۔

2- محمد زبیر کی انکوائری کے خلاف ITS نے سول کورٹ میں توہین عدالت کا کیس دائر کیا ہوا ہے۔

3- محمد زبیر کی انکوائری کے خلاف چائنہ کی ایک کمپنی Jamalto نے اسلام آباد ہائی کورٹ میں کیس دائر کیا ہوا ہے۔

4- محمد زبیر نے سیکریٹری کینٹ اور NEPR کے خلاف بھی مورخہ 2/2/2019 کو اسلام آباد ہائی کورٹ میں کیس دائر کیا ہوا ہے۔ کیونکہ محمد زبیر کو چیئر مین NEPR کے لیے شارٹ لسٹ نہیں کیا گیا۔

5- محمد زبیر نے چیئر مین PNRA اور SPD کے خلاف کیس نمبر 4750/2018 اسلام آباد ہائی کورٹ میں کیس دائر کیا ہوا ہے۔ جس میں اس نے admit کیا ہوا ہے کہ SPD/PNRA نے اسے relieve نہیں کیا ہوا ہے۔

6- محمد زبیر نے منسٹری آف فارن آفئیرز کے خلاف بھی اسلام آباد ہائی کورٹ میں کیس دائر کیا ہوا ہے۔ کیونکہ فارن آفس نے 18 لاکھ روپے تنخواہ والی ایران میں پوسٹ کے لیے select نہیں کیا ہے۔

7- محمد زبیر کے خلاف MD-PPRA نے اسلام آباد میں ICA-258/2018 بھی دائر ہوئی ہے۔ کیونکہ PPRA میں DG کی پوسٹ کے لیے اس کا Post Qualification کا تجربہ کم تھا اور اس کی متعلقہ ڈگری بھی نہیں تھی۔

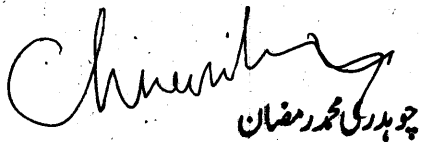
محمد زبیر اس وقت ایک سیکورٹی رسک ہے۔ اور PNRA/SPD جیسے حساس اداروں کے چیئر مین اور نمبران کو ساتھ ملا کر غیر قانونی طور پر بیک وقت 2 اداروں PPRA اور PNRA سے مراعات لے رہا ہے۔

آپ تمام افسران سے گزارش ہے۔ کہ محمد زبیر کو غیر قانونی کاروائیوں اور اقدامات سے روکا جائے۔ اور اس کے خلاف Misconduct کی

کاروائی شروع کرنے کے آرڈر جاری کیے جائیں۔ یہ PNRA/SPD کے افسران کو blackmail اور pressurize کر کے

دھوکہ دہی فراڈ سے 2 مختلف گورنمنٹ کے حساس اداروں میں بیک وقت جاب کرنے کا مرتکب پایا گیا ہے۔ PNRA اور PPRA کو

محمد زبیر کی ریشہ دوانیوں اور غیر قانونی اقدامات سے محفوظ رکھا جائے۔

  
 چوہدری محمد رمضان

منسٹری آف فارن آفئیرز اسلام آباد

1. Secretary, Finance Division/Chairman PPRA Board Islamabad.
2. ✓ Director General Federal Audit, Member Departmental Accounts Committee (DAC) Islamabad.  
Zero Point Islamabad.
3. Chief Finance & Accounts Officer (CF & AO) Cabinet Division, Member Departmental Accounts Committee (DAC) Cabinet Division, Cabinet Block, Islamabad.
4. Additional Secretary-II, Cabinet Division, Member Departmental Accounts Committee (DAC) Islamabad.
5. Financial Advisor (FA) Cabinet (Finance Division) FA Organization, Member Departmental Accounts Committee (DAC) Cabinet Division, Cabinet Block, Islamabad.

**Subject : Audit Paras on Illegal Appointments & Illegal Regularizations of PPRA Employees**

For your kind information it is apprised that Audit Paras of PPRA for FY/2012-2013 and FY/2013-14 related with appointment of staff & officers illegally and unauthorisely without advertisement and without approva of PPRA Board is pointed out and challenged in a Writ of Co-warrantoo No.4367/2019 in Islamabad.

Audit Para No.4 for FY-2012-13, PPRA Employees have been appointed without observing proper procedure. Audit is of the view that appointment of staff without any advertisement was irregular and unauthorized. (MD-PPRA) violated the instructions of Federal Govt, contained in Establishment Divisor O.M.No.F3/1/92-R-2 dated 01.01.1992 and ESTACODE Rules SI (8), SI (9), SI (14.1) and also PPRA Service Rules not approved/exists at the time of appointment of staff on contingent/contract basis. The said Audit Para was never settled by Federal Audit & Departmental Accounts Committee (DAC) and is pending till date

In Para No.5, for theFY-2012-13, the Audit team has also pointed out that the Officers/staff converted from Development Project employees to Non-Development side by (MD-PPRA) without obtaining approval from Financial Advisor, Cabinet (Finance Division) Respondent No.3 and is not in order. Even Medical Fitness Status/Certificates were not obtained. The relevant Audit Para is not settled by Federal Audit and Departmental Accounts Committee (DAC).

That the Federal Audit, In Audit Para No.02 for FY-2013-14, the Audit Party is pointed that The Subcommittee of Cabinet Regularized PPRA employees subject to fulfillment of recruitment criterion and availability of posts but as clearly indicated in Board of PPRA's 13<sup>th</sup> meeting that at the time of regularization no posts/vacancies existed. The Service Regulations of PPRA no so far been framed/approved.

Audit is of the view that regularization of 38 contract/contingent paid employees of PPRA without existence of posts/vacancies as mentioned by the PPRA Board in its meeting held on 13.01.2014 is irregular and unauthorized.

Audit recommends that matter may be enquired and responsibility may be fixed. The Board decided that the advice will be sought with the Cabinet Division and Establishment Division for the legal status of the regularization of PPRA employees before confirmation of their services.

That the case of regularizations of illegal appointed PPRA employees was presented in 13<sup>th</sup> PPRA BOD's meeting held on 13.01.2014 through agenda item No.4 for deliberations. In this meeting PPRA Board members have observed that at the time of regularization of PPRA Employees No Posts/Vacancies existed against which the PPRA Employees were regularized. Therefore, the Finance Division would not be responsible for the said action. Hence the Board decided as under. (The Board decided that the advice will be sought with the Cabinet Division and the Establishment Division for the Legal status of the regularization of PPRA employees before confirmation of their services)

On the basis of above facts and case details Please handle the above Audit Paras of PPRA as per directions of Islamabad High Court Islamabad in WP-4367/2019. Copy of WP-4367/2019 is enclosed for your kind action please.

  
Barrister Ali Muhammad Mujtaba,

-1-

**IN THE ISLAMABAD HIGH COURT, ISLAMABAD**

Writ Petition No. 6367 /2019

Mr. Hassan Abbas Son of Muhammad Abbas, Resident Of  
House No.1088, Street No.43, Sector G-11/2, Islamabad.  
(NIC No.32203-8474024-5)

.Petitioner

**Versus**

1.	Auditor General Of Pakistan, O/o the AGP, Constitution Avenue, Islamabad.
2.	Public Procurement Regulatory Authority (PPRA) through its Chairman, (PPRA Board)/Secretary, Finance Division Q-Block, Pak. Secretariat, Islamabad.
3.	Financial Advisor (Cabinet) Finance Division, (Member Departmental Accounts Committee (DAC) Cabinet Block/ Secretariat, Islamabad.
4.	The Board-Public Procurement Regulatory Authority (PPRA), through its Secretary, FBC, Buildings, 1 <sup>st</sup> Floor, Sector G-5/2, Islamabad.
5.	Federation of Pakistan through Secretary, Establishment Division, Cabinet Secretariat, Islamabad.
6.	Managing Director, (PPRA) FBC Buildings 1 <sup>st</sup> Floor, Sector G-5/2, Islamabad.
7.	Sheheryar Masood S/o Masood Ahmed, Public Procurement Regulatory Authority (PPRA), FBC Buildings 1 <sup>st</sup> Floor, Sector G-5/2, Islamabad.
8.	Waqas Ahmed S/o Abdul Razaq, Public Procurement Regulatory Authority (PPRA), FBC Buildings 1 <sup>st</sup> Floor, Sector G-5/2, Islamabad.

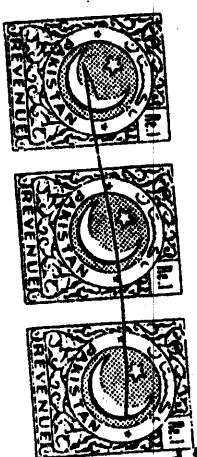
For Private Use

30 DEC 2019

Examiner  
Copy Supply Section  
Islamabad High Court  
Islamabad



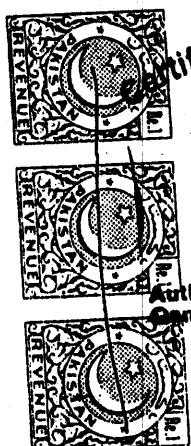
9.	Zeeshan Siddique S/o Mirza Muhammad Siddique, Public Procurement Regulatory Authority (PPRA), FBC Buildings 1 <sup>st</sup> Floor, Sector G-5/2, Islamabad.
10	Muhammad Bashir S/o Mehtab Din, Public Procurement Regulatory Authority (PPRA), FBC Buildings 1 <sup>st</sup> Floor, Sector G-5/2, Islamabad.
11	Zubaida Rafiq D/o Raja Muhammad Rafique, Public Procurement Regulatory Authority (PPRA), FBC Buildings 1 <sup>st</sup> Floor, Sector G-5/2, Islamabad.
12	Muhammad Zakeer S/o Muhammad Saleem Satti, Public Procurement Regulatory Authority (PPRA), FBC Buildings 1 <sup>st</sup> Floor, Sector G-5/2, Islamabad.
13	Muhammad Saleem Satti S/o Mir Afsar, Public Procurement Regulatory Authority (PPRA), FBC Buildings 1 <sup>st</sup> Floor, Sector G-5/2, Islamabad.
14	Muhammad Sohail, Muhammad Nawaz, Public Procurement Regulatory Authority (PPRA), FBC Buildings 1 <sup>st</sup> Floor, Sector G-5/2, Islamabad.
15	Omer Abid S/o Abid Zulqarnain, Public Procurement Regulatory Authority (PPRA), FBC Buildings 1 <sup>st</sup> Floor, Sector G-5/2, Islamabad.
16	Hassan Raza S/o Muhammad Musa Raza, Public Procurement Regulatory Authority (PPRA), FBC Buildings 1 <sup>st</sup> Floor, Sector G-5/2, Islamabad.
17	Nasir Asghar Bhatti S/o Ali Asghar Bhatti, Public Procurement Regulatory Authority (PPRA), FBC Buildings 1 <sup>st</sup> Floor, Sector G-5/2, Islamabad.



Certified to Be True Copy

30 DEC 2019  
Examiner  
Copy Supply Section  
Authorised Under article-87 of  
Qanoon-e-Shahadat Order 1984  
Islamabad High Court  
Islamabad

18	Muhammad Sheraz S/o Sham Dll, Public Procurement Regulatory Authority (PPRA), FBC Buildings 1 <sup>st</sup> Floor, Sector G-5/2, Islamabad.
19	Tahir Mahmood Kayani S/o Muqsood Ahmed, Public Procurement Regulatory Authority (PPRA), FBC Buildings 1 <sup>st</sup> Floor, Sector G-5/2, Islamabad.
20	All Temoor S/o Prof, Khuda Buksh, Public Procurement Regulatory Authority (PPRA), FBC Buildings 1 <sup>st</sup> Floor, Sector G-5/2, Islamabad.
21	Muhammad Fiaz Qaiser S/o Muhammad Younas, Public Procurement Regulatory Authority (PPRA), FBC Buildings 1 <sup>st</sup> Floor, Sector G-5/2, Islamabad.
22	Muhammad Asif S/o Mukhtar Ahmed, Public Procurement Regulatory Authority (PPRA), FBC Buildings 1 <sup>st</sup> Floor, Sector G-5/2, Islamabad.
23	Drawing & Disbursing Officer (DDO), Public Procurement Regulatory Authority (PPRA), FBC Buildings, Sector G-5/2, Islamabad.
24	Secretary, Cabinet Division, Cabinet Block/Secretariat, Islamabad.
25	Secretary, M/o Planning & Development, P-Block Pak-Sectt, Islamabad.
	<b>Respondents</b>
26	Chairman, National Accountability Bureau (NAB), NAB HQtrs, Sector G-5/1, Islamabad.
27	Federal Investigation Agency (FIA) through Director General, FIA Headquarter, Sector G-9/4, Islamabad.



Certified to Be True Copy  
 30 DEC 2019  
 Examiner  
 Copy Supply Section  
 Authorised Under article-87 of  
 Qanoon-e-Shahadat Order 1984  
 Islamabad High Court  
 Islamabad

Proforma Respondent

## **ORDER SHEET.**

### **IN THE ISLAMABAD HIGH COURT, ISLAMABAD.** **JUDICIAL DEPARTMENT.**

**Writ Petition No. 4367/2019**

**Hassan Abbas**

***Versus***

**Auditor General of Pakistan, Islamabad etc.**

<b>S. No. of order/ proceedings</b>	<b>Date of order/ Proceedings</b>	<b>Order with signature of Judge and that of parties or counsel where necessary.</b>
<b>(01)</b>	<b>16.12.2019</b>	<b>Mr. Ali Nawaz Kharal and Rana Rashid Javed, Advocates for petitioner.</b>

Through this writ petition, the petitioner has assailed the appointment of respondents No. 7 to 19 in the office of Public Procurement Regulatory Authority (PPRA) on different positions.

2. Learned counsel for petitioner Inter-alia contends that appointments of respondents No. 7 to 19 have been made without competitive process and advertisement, which is a minimum requirement for such kind of appointments under the law.

3. Question raised needs consideration.

4. Let notice be issued to respondents for 19.03.2020 through Registered Post A.D. and TCS with direction to respondent No.2/Chairman, PPRA to file para-wise comments before the next date of hearing with advance copy to learned counsel for the petitioner.

5. Petitioner is directed to deposit process fee within three (03) days.

**C.M. No. 01/2019.**

Exemption sought for is allowed subject to all just and legal exceptions.

**C.M. No. 02/2019.**

Notice.

**(MOHSIN AKHTAR KAYANI)**  
**JUDGE**

**Certified to Be True Copy**

**30 DEC 2019**

**Examiner  
Copy Supply Section  
Authorised Under article-87 of  
Qanoon-e-Shahadat Order 1984  
Islamabad High Court  
Islamabad**

**Khuram**



4

**WRIT PETITION UNDER ARTICLE 199 OF THE  
CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN**

**Respectfully Sheweth :**

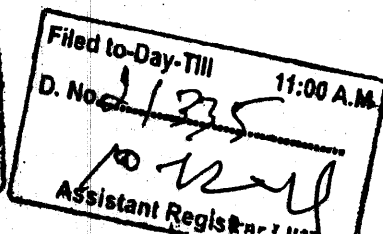
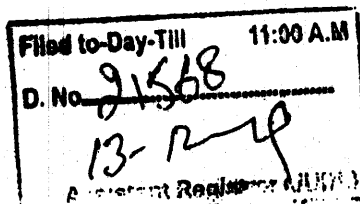
The Petitioner as a concerned citizen seeks to lay before this Court information regarding illegal appointments seeking writ of quo warranto raising, *inter alia*, issues as detail below.

- (i) Illegal appointments without competitive process.
- (ii) Non-compliance with the audit reports.
- (iii) Appointment/Transfer of Project (PSCBP) staff without conversion of Project Posts from development side to non-development side and also without recommendations of Planning Commission through PC-4 and approval of Finance Division and PPRA Board also not obtained.
- (iv) Appointment of staff without sanction/availability of regular Posts and without approval of service regulations.
- (v) Appointments on the basis of blood and personal relations.
- (vi) Illegal promotions after repatriation of deputationists.
- (vii) Unlawful up-gradations, regularizations, grant of senior scale illegally, approval of current charge to non-eligible officers and change of nomclatures of officers illegally.
- (viii) Illegal payments/release of funds causing hefty losses to the national exchequer.

**PARTIES**

1. That the Petitioner is a responsible, respectable and law-abiding citizen of Pakistan and has been guaranteed Fundamental Rights as contained in Chapter 1 of Part II of the Constitution of the Islamic Republic of Pakistan and the Petitioner is also entitled to be dealt in accordance with law.

2. That the Petitioner believes in Rule of Law, Equality and Fair-play and therefore, as a concerned citizen cannot condone illegal and unconstitutional acts and omissions on the part of public functionaries as well as the persons who are beneficiaries of such illegalities and unconstitutional-acts by way financial gains and also by usurpation of public offices causing loss of millions of rupees to the public exchequer which is a sacred trust with such public office-holders and functionaries of the State.



3. That the, Respondent, Authority, (Public Procurement Regulatory Authority (PPRA)) has been established through Ordinance No.XXII Of 2002 dated 15<sup>th</sup> May, 2002. PPRA is an autonomous body endowed with the responsibility of prescribing regulations and procedures for public procurements by Federal Government owned public sector organizations with a view to improve governance management, transparency, accountability and quality of public procurement of goods, works and services. It is also endowed with the responsibility of monitoring procurement by public sector agencies/organizations and has been delegated necessary powers under the Public Procurement Regulatory Authority Ordinance 2002.
4. That the Public Procurement Regulatory Authority (PPRA) derives its power, functions, administrative and financial authority from its Ordinance. PPRA comprises of 10 Board members which includes Seven (7) Federal Secretaries and Three (3) Members from private sector.
5. That the section 6(1) of the Ordinance sums up the General direction and administration of the Authority, which states that :

**"General directions and administration of the Authority and its affairs shall vest in a Board which may exercise all powers, perform all functions and do all acts and things which may be exercised, performed or done by the Authority"**

6. That the section 19 of PPRA Ordinance provides that, the ~~Chairperson~~ <sup>Members</sup>, Members, Director-General, Officers, servants, advisers, consultants and experts of the Authority shall, when acting or purporting to act in pursuance of any of the provisions of this Ordinance or the rules and regulations made thereunder, be deemed to be Public ~~Servants~~ <sup>servants</sup> within the meaning of section 21 of the Pakistan Penal Code

Certified to be true copy

30 DEC 2019

Examiner

Copy Supply Section

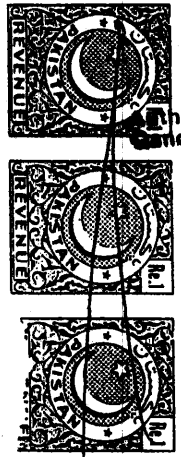
Authorized Under

Gamoon-e-Shahadat Order 1984

Islamabad High Court

Islamabad

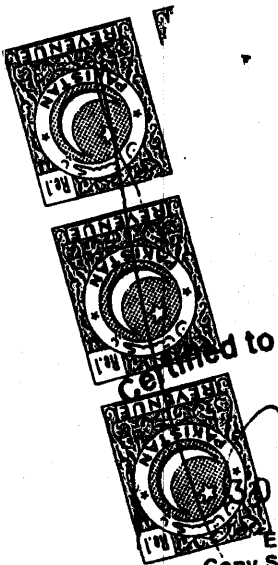
Section XLV of 1860).



7. That the "DAWN" News publications on 21.10.2019, the staff reporter has pointed out that PPRA accused of making over 32 illegal appointments. In this News, reporter has given the reference of PPRA Audit Paras (Annex-A) that Managing Director (PPRA) has appointed the staff without advertising the posts in press. Audit declared such appointments irregular and unauthorised.
8. That the Officers posted in PPRA on deputation basis appointed their blood relatives and others private persons i.e. Sons, Nephews, Brothers and House Servants in PPRA illegally on Direct Contract and Contingent Basis without observing formal procedures (advertisement, test, interview, sanction/availability of posts, quota, medical fitness etc)
9. That the Director-II (PPRA) vide letter No.5(12)/Admn/PPRA/2010 (Annex-B) issued in February, 2012 has also admitted that formal procedure i.e. advertisement of the posts, constitution of DPC, tests, Interview, selection through DSC, Provisional Quota could not be adopted at the time of appointments of contingent and contract staff.

### **THE AUDIT PARAS**

10. That the Federal Audit, In Audit Para No.4 (Annex-A) for the term 2012-13, it was revealed that Respondent No.6 (MD-PPRA) has appointed the PPRA Employees without observing proper procedure. Audit is of the view that appointment of staff without any advertisement was irregular and unauthorized. Respondent No.6 (MD-PPRA) violated the instructions of Federal Govt, contained in Establishment Division O.M.No.F3/1/92-R-2 dated 01.01.1992 and ESTACODE Rules SI (8), SI (9), (14.1) and also PPRA Service Rules not approved/exists at the time of appointment of staff on contingent & contract basis. The said Audit Para was never settled by Federal Audit & Departmental Accounts Committee (DAC) and is pending till date.
11. That it is pertinent to mentioned here that No sanction posts were available in PPRA with the approval of PPRA Board and Finance Division against which appointments were made and even PPRA's own service regulations were also not formulated/approved at the time of appointment of following staff in PPRA without competitive process.



Examined  
Copy Supply Section  
Authorised Under article-87 of  
Qanoon-e-Shahadat Order 1984  
Islamabad High Court  
Islamabad

12. a) **APPOINTMENTS OF RELATIVES/PRIVATE STAFF**  
(Without Advertisements)

S.#	Name & Scale	Relation with PPRA Officers	City
1.	Sheheryar Masood S/o Masood Ahmed (Contingent)	His Father Mr. Masood Ahmed DD(Admn) PPRA processes his case without advertisement for appointment. Mr. Masood Ahmed was working as DD(Admn) PPRA at the time of his appointment.	Rawalpindi
2.	Waqas Ahmed S/o Abdul Razaq (Contingent)	His Maternal Uncle Mr. Khalid Mahmood Lodhi processes his case without advertisement for appointment. Mr. Khalid Mahmood Lodhi was working as Director (PPRA) at the time of his appointment.	Mandi Bahauddin
3.	Zeeshan Siddique S/o Mirza Muhammad Siddique (Contingent)	His Maternal Uncle Mr. Khalid Mahmood Lodhi processes his case without advertisement for appointment. Mr. Khalid Mahmood Lodhi was working as Director (PPRA) at the time of his appointment.	Mandi Bahauddin
	Muhammad Zakeer S/o Muhammad Saleem Satti (Contingent)	He was appointed with the reference of his Father named <b>Muhammad Saleem Satti</b> who is also working in PPRA at present. (as mentioned on Srl. No.3, of Para-11(B))	Murree
	Omer Abid S/o Abid Zulkarnain (Contingent)	Appointed with the reference of Mr. Sarfraz Ahmed Syed (ex-MD(PPRA))	Islamabad
6.	Muhammad Fiaz Qaiser S/o Muhammad Younas. ((Transfer illegally from Project (PSCBP))	No sanction posts exist for PSCBP Project Staff. Appointed From Project development side to non-development side, without recommendations of Planning Commission through PC-4 and approval of Finance Division and PPRA Board also not obtained.	Kasur

Certified to Be True Copy

30 DEC 2019

Examiner  
Copy Supply Section  
Authorised Under article-87 of  
Qanoon-e-Shahadat Order 1984  
Islamabad High Court  
Islamabad



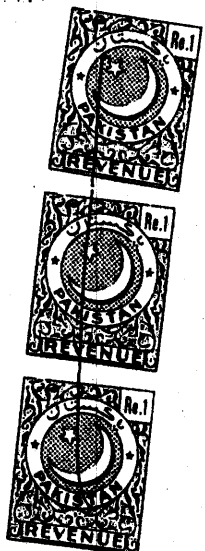
b) That the Officers posted in PPRA on deputation basis have also appointed their private persons and relatives of Officers/Staff in PPRA. Detail of which is as under.

S.#	Name & Scale	Relation with PPRA Officers	City
1.	Muhammad Bashir S/o Mehtab Din (Contingent)	His Brother named Mr. Saeed-ur-Rehman was working in PPRA on deputation basis at the time of his appointment.	Haripure (KPK)
2.	Zubaida Rafiq D/o Raja Muhammad Rafique (Contingent)	She is appointed with the reference of her Brother in Law named Mr. Jamil Ahmed Rathore who was working as Deputy Director at the time of her appointment.	Islamabad
3.	Muhammad Saleem Satti S/o Mir Afsar (Contingent)	He is appointed without advertisement. Later he is also appointed his SON named M. Zakeer in PPRA without advertisement. (as mentioned on Srl. No.4 of Para 11 (a).	Murree
4.	Hassan Raza S/o Muhammad Musa Raza (Contingent)	He is appointed without advertisement by Muhammad Khalid Javed (ex-MD(PPRA)	Islamabad
5.	Nasir Asghar Bhatti S/o Ali Asghar Bhatti (Contingent)	He is appointed without advertisement by Sarfraz Ahmed Syed (ex-MD(PPRA)	Islamabad
6.	Muhammad Sohail, Muhammad Nawaz (Contingent)	He is appointed without advertisement through the reference of his Brother named Muhammad Zubair, who is already working in PPRA.	Fateh Jang
7.	Muhammad Sheraz S/o Sham Dil (Contingent)	He is appointed without advertisement by Muhammad Khalid Javed (ex-MD(PPRA)	Murree
8.	Tahir Mahmood Kayani S/o Muqsood Ahmed (Contingent)	He is appointed without advertisement by Muhammad Khalid Javed (ex-MD(PPRA)	Jhelum

Certified to Be True Copy

30 DEC 2009

Examiner  
Copy Supply Section  
Authorised Under Article 87 of  
Qanoon-e-Siyahad Order 1984  
Islamabad High Court  
Islamabad.



### 13. TRANSFER OF PROJECT STAFF ILLEGALLY TO NON-DEVELOPMENT BUDGET

- a) That In Para No.5, for the term 2012-13, (Annex-A) the Audit team has also pointed out that the Officers/staff converted from Development Project employees to Non-Development side by the Respondent No.6 (MD-PPRA) without obtaining approval from Financial Advisor, Cabinet (Finance Division) Respondent No.3 and is not in order. Even Medical Fitness Status/Certificates were not obtained. The relevant Audit Para is not settled by Federal Audit and Departmental Accounts Committee (DAC).
- b) That the PPRA letter No.6(1)DD(Admn)/PPRA/2011 dated 28.01.2014 (Annex-C) also clarifies that the appointment of Respondent No.20 (Mr. Ali Temoor, Training Officer) is illegal and unlawful since 01.12.2009. The Respondent No.6, MD(PPRA) has appointed/transferred illegally (PSCBP) Project staff in PPRA without conversion of Project Posts from development side to non-development side and without the recommendations of Respondent No.25 (Planning Division) through PC-4. The approval of Finance Division and PPRA Board also not obtained. No sanctioned posts and PPRA employees' service rules were approved/exists at the time of transfer of Project Staff from development to non-development side. The details of illegally transferred/posted Public Sector Capacity Building Project (PSCBP) staff are as under:-

S.#	Name	Father Name	Description
1.	Muhammad Ali Temoor	Prof. Khuda Baksh	No sanction posts exist for PSCBP Project Staff. Appointed From Project development side to non-development side, without recommendations of Planning Commission through PC-4 and approval of Finance Division and PPRA Board also not obtained.
2.	Muhammad Asif	Mukhtar Ahmed	
3.	Muhammad Fiaz Qaiser	Muhammad Younas	



30 DEC 2019

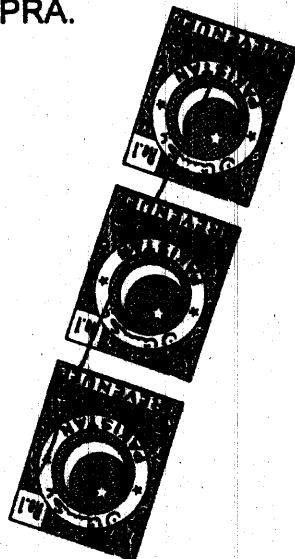
Examination  
Copy Supply Section  
Authorised Under article-87 of  
Constitution-e-Shahadat Order 1994  
Islamabad High Court  
Islamabad

- c) That Respondent No.6 (MD-PPRA) has violated the Item No.1 of System of Financial Control & Budgeting 2006 contained in Finance Division OM.No.F.3(2)/Exp.III/2006 dated 13.09.2006. (Annex-D) rule which states that after completion of the project and submission of PC-IV, the barest minimum and essential posts(s) shall be converted from development Expenditure to current Expenditure with the approval of Financial Advisor. Therefore, conversion of Project staff in PPRA from Development Project (PSCBP) to Non-Development side without the approval of Financial Advisor, Cabinet (Finance Division) and without of approval of PPRA Board are irregular and Un-authorised, which is required to declare illegal, without lawful authority i.e. coram non judice, outcome of favouritism and misuse of power and discretion by the Respondent No.6 (MD-PPRA). The relevant Audit Paras are not settled by Federal Audit and Departmental Accounts Committee (DAC) and pending till date.
- d) The competent forum for PPRA employee's service matters as per PPRA Ordinance Chapter-II-Clause 6(1) is PPRA Board. The Chairman PPRA Board has also clarified in Para No.6 of Agenda item No.2 of 15<sup>th</sup> BOD's meeting held on 02.10.2014 that "The Chair further clarified that Board of PPRA is the competent forum for all matters relating to the service of the PPRA staff". (Annex-E).
- e) That the Director (A&F) PPRA vide letter No.3(4)/Admin/PPRA /2013 dated 19<sup>th</sup> November, 2015 (Annex-F) has admitted that PPRA employees could be regularized under Federal Govt, Policy issued vide Establishment Division OM No.10/30/2008-R-II dated 29.08.2008. In this letter following discrepancies/illegality has been highlighted in recruitment process of PPRA.

Certified to Be True Copy

30 DEC 2019

Examiner  
Copy Supply Section  
Authorised Under article-87 of  
Qanoon-e-Shahadat Order 1984  
Islamabad High Court  
Islamabad



- 11
- i) As per decision of the Cabinet Committee dated 24.11.2011, the regularization was made subject to availability of posts. Whereas, the posts against which the PPRA employees were regularized, never been created/ sanctioned so far.
  - ii) There are several pre-requisites to be observed i.e. age, provincial quota and prescribed qualifications in accordance with Recruitment/Regularization Policy, 2008. The regularization notification is vague and silent on all these aspects.
  - iii) The regularization Policy was made for BPS-1-15 contract employees only. However, PPRA illegally regularized Four (4) Employees serving in BPS 16 & 17.
  - iv) As per Recruitment/Regularization Policy, 2008, only those contract employees of PPRA who joined before 04.06.2008 could be regularized in accordance with the directions from Cabinet Division. Whereas, PPRA regularized 12-Employees who were appointed after 04.06.2008.
  - v) Likewise, the contingent staff was not eligible for regularization. However, PPRA regularized 25-Contingent Employees illegally/un-lawfully.
  - vi) As per policy of 2008, the date of regularization was 01.07.2008. However, the regularization was made w.e.f. 17.01.2012 which is against the Policy.

**14. UP-GRADATION/GRANT OF SENIOR SCALE/ ILLEGAL PROMOTIONS AFTER REPATRIATION OF DEPUTATIONISTS**

- a) The PPRA Board have delegated administrative & financial powers to Respondent No.6 (MD-PPRA) equal to those available to the Principal Accounting Officer (PAO) in Ministries/Divisions in its 1<sup>st</sup> Board of Directors (BOD) Meeting held on 13<sup>th</sup> July, 2002. There is no provision in Principal Accounting Officer (PAO) duties & responsibilities (Annex-D) to upgrade, promote, and transfer Project Staff from Development Side to Non-Development side without the concurrence of Establishment & Finance Division as per relevant Rules & Regulations.



30 DEC 2012

Copy Supply Section  
 Authorised Under Article 87 of  
 the Constitution of Pakistan  
 Islamabad High Court

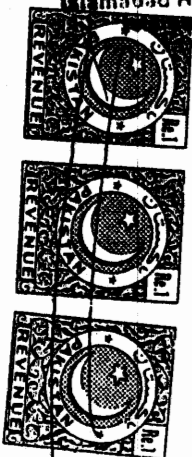


- b) That the Finance Division OM No.3(2)/Exp-III/2006 dated 13<sup>th</sup> September, 2006 (**Annex-D**) clearly **DISALLOWED** the Principal Accounting Officer (PAO) to transfer the services of Development Project employees to Non-Development posts or to Upgrade any Post and change the Nomenclature of any post without the consultation of Establishment Division and Finance Division as stated in Estacode Rules. Therefore, appointments, postings, transfers, change of nomenclatures and up-gradations of Respondent No.20 (Ali Temoor, (DD-HR), Respondent No.23, (Yasir Shamim Khan (DDO) and Rizwan Mahmood (DD-IT) are not only illegal but unlawful and misuse of Authority by Respondent No.6 (Managing Director (PPRA).
- c) That the officers/officials working on deputation basis since 2002 have been repatriated to their parent departments in the light of august Supreme Court of Pakistan Order dated 25<sup>th</sup> January, 2017 passed in Crl.Org. Petition No.189/2016 In 89/2011. (Annex-H)
- d) That after the repatriation of deputationists the Respondent No.20 (Deputy Director (HR) relevant desk officer of HR Wing intentionally concealed all the above facts and deficiencies, mislead the Respondent No.6 (MD-PPRA) and Board members and prepared agenda for promotion of illegal appointed employees of PPRA including himself and presented it in 34<sup>th</sup> BOD's meeting, held on 04.01.2018. Accordingly, PPRA Board approved the promotion of illegal appointed employees in agenda item No.5. (Annex-I) and Two Notifications on same dates & Nos.F.3(34)/Admn/PPRA/2017 dated January 05, 2018 (Annex-J & Annex-K) issued in complete ignorance about the above actual facts and figures.
- e) That the Respondent No.20 (DD-HR) and Respondent No.23 (DDO) have processed arrears cases of illegal promoted and upgraded employees for Five Years (2012 to 2017) through submission of misleading facts to Respondent No.6 (MD (PPRA) in isolation and without informing/obtaining approval from PPRA Board and paid Millions of rupees as arrears on accounts of Pay & Allowance, up-gradations, grant of senior scales, promotion of Illegal appointed

Certified to Be True Copy

30 DEC 2019

Examiner  
Copy Supply Section  
Authorised Under Article 87  
Ganoun-e-Shahadat Order  
Islamabad High Court



PPRA employees. Respondent No.23 (DDO) releases arrears payments to illegal appointed employees after issuance of Two Notifications No.F.3(33)/Admn/PPRA/2017 dated 23<sup>rd</sup> November 2017 (Annex-L) and No.F.3(33)/Admn/PPRA/2017 dated 5<sup>th</sup> December, 2017. (Annex-M)

- f) That In Para No.8, for the term 2015-18, (Annex-N) the Audit team has also pointed out that the Respondent No.6 (MD (PPRA) has upgraded the staff cadre posts unauthorizedly. Audit is observed that there is no section exists in the Ordinance for creation and up-gradation of posts. MD(PPRA) is not competent to upgrade the posts. Audit recommends that unauthorized payment may be recovered from officials and deposited into Govt, account under intimation to audit.

**DETAILS OF ILLEGAL UPGRADATION & PAYMENTS**

S.#	Name	Arrears w.e.f 17.01.2012	Arrears w.e.f 01.07.2016	Total Amounts
1	Muhammad Bashir	936,676	109,221	1,045,897
2	Muhammad Zakeer	0	109,221	109,221
3	Hassan Raza	0	109,221	109,221
4	Muhammad Sohail	0	109,221	109,221
5	Omer Abid	986,676	109,211	1,045,897
6	Mirza Zeeshan Siddiqui	986,676	109,221	1045897
7	Muhammad Sheraz	1,136,676	109,221	1,245,897
8	Tahir Mahmood Kayani	0	109,221	109,221
9	Muhammad Asif	0	68,523	68,523
10	M. Nadeem	560,892		560,892
11	Zubaida Rafiq	1,045,897		1,045,897
			Total Rs.	6,495,784

Certified to Be True Copy

30 DEC 2017

Examiner  
Copy Supply Section  
Authorised Under article 87 of  
Qadwat Order 1984  
High Court  
Islamabad



The Respondent No.20 (DD-HR) and Respondent No.23 (DDO) have processed arrears cases of illegal appointed employees of PPRA and granted senior scale w.e.f 17<sup>th</sup> January, 2017 through submission of misleading facts to Respondent No.6 (MD-PPRA) in isolation and without informing/obtaining approval from PPRA Board and paid arrears w.e.f 17<sup>th</sup> January, 2017 after issuance of office order No.F.3(33)/Admn/PPRA/2017 dated 5<sup>th</sup> December, 2017. (Annex-O) Details of illegal payments are as under.

S.#	Name	Payment Period	Rs.
1.	Muhammad Saleem Satti	Arrears w.e.f 17.01.2017	18,522
2.	Muhammad Ishtiaq	Arrears w.e.f 17.01.2017	18,522
3.	Khushnood Ahmed	Arrears w.e.f 17.01.2017	18,522
4.	Syed Sajid Hussain Shah	Arrears w.e.f 17.01.2017	18,522
5.	Muhammad Jamil	Arrears w.e.f 17.01.2017	27,090
6.	Muhammad Zubair	Arrears w.e.f 17.01.2017	27,090
7.	Tariq Mahmood	Arrears w.e.f 17.01.2017	27,090
		<b>Total Rs.</b>	<b>155,358</b>

**15. CHANGE OF NOMCLATURE ILLEGALLY AFTER  
REPATRIATION OF DEPUTATIONISTS**

That a Legal Notice has been served to the PPRA Board members and others on 3<sup>rd</sup> December, 2018 against the illegal promotion, appointments, regularizations, up-gradation, change of Nomenclature of Respondent No.20, (DD-HR), Respondent No.23 (DDO) and Mr. Rizwan Mahmood (DD-IT), but no action has been taken by any office till date. (Annex-P) Following Three PPRA Officers received huge amounts along-with other PPRA employees.

S.#	Name	Amounts	
1.	Mr. Ali Temoor, Deputy Director (HR) (Respondent No.18)	1,968,155	Annex-Q
2.	Mr. Yasir Shamim Khan, Deputy Director (F)/DDO	2,402,607	
3.	Mr. Rizwan Mahmood, Deputy Director (IT)	2,314,266	
	<b>Total Rs.</b>	<b>6,685,028</b>	

- (a) Respondent No.20 (Mr. Ali Temoor, Training Officer) in Public Sector Capacity Building Project (PSCBP) transferred from Development Project to Non-Development Side on 01.12.2009 without obtaining approval of the Financial Advisor (FA) (Cabinet) and without approval of Finance Division and PPRA Board. The PPRA letter No.6(1)DD/(Admn)/PPRA/2011 dated 28.01.2014 (Annex-C) also clarifies that the appointment of Respondent No.20 (Mr. Ali Temoor, Training Officer) is illegal and unlawful since 01.12.2009.



- i. That the Respondent No.20 (Mr. Ali Temoor) posted as Assistant Director (Training & Research) on 01.12.2009 through illegal maneuvering of facts and figures on Contract basis in PPRA without going through the prescribed selection process and approval. He has presented his own case for promotion in PPRA Board to Deputy Director (Human Resource) post and concealed the facts that he belongs to the Training & Research Cadre and his regularizations not approved by PPRA Board and Finance Division and also above Audit Para was not settled by concerned Audit Authorities. The individual then Promoted as Deputy Director (Human Resources) by using the same deceiving tactics in 34<sup>th</sup> BOD's meeting held on 04.01.2018.
- ii. Cabinet Division has submitted Respondent No.20 (Mr. Ali Temoor) case to Financial Advisor (FA) Cabinet vide letter No.5(46)/2005-M-III/Admn/PPRA dated 20<sup>th</sup> June, 2009 for approval, but more than (10) Ten Years have been passed FA (Cabinet) not approved the said case, because the Post of Assistant Director (Training & Research) was not exists/sanctioned in PPRA at that time on 01.12.2009. Whereas, the case for transfer the services of Respondent No.20 (Mr. Ali Temoor) from Development Project to Non-Development Side on Contract basis was not approved by PPRA Board.
- iii. The post of Assistant Director (Training & Research) does not exist/sanctioned at the time of regularization of Respondent No.20 (Mr. Ali Temoor) services in PPRA.

**Certified to Be True Copy**

Examiner  
Copy Supply Section  
Authorised Under Article-87 of  
Qanoon-e-Shahadat Order-1984  
Islamabad High Court  
Islamabad



- (b) Respondent No.6 (Managing Director PPRA) has upgraded the post of System Analyst (Mr. Rizwan Mahmood) during Contract Service/Period from (BPS-16/PSG-6) to (BPS-17/PPG-1) Post as System Analyst on 19.05.2008 without going through the prescribed selection process and without formulation and approval of service regulations. The up-gradation of Mr. Rizwan Mahmood has been made without the approval of PPRA Board and Finance Division (Regulation Wing) and Establishment Division as stated in Estacode Rule SI.No.4(1) (2) and 4.1(1) (2) (3). Further Mr. Rizwan Mahmood was posted illegally as Assistant Director (IT) in 2008.

- i) Respondent No.6 (MD-PPRA) has changed nomenclature of Mr. Rizwan Mahmood from System Analyst to Assistant Director (IT) illegally in 2008. He is also promoted as Deputy Director (IT) in 34<sup>th</sup> PPRA BOD's meeting held on 04.01.2018. Similarly the case for change of nomenclature & up-gradation of Mr. Rizwan Mahmood from System Analyst (PSG-6 Post to Assistant Director (PPG-1) Post was also not presented to PPRA Board for approval nor submitted to Finance & Establishment Division for concurrence.
- ii) The post of System Analyst Or Assistant Director (IT) does not exist/sanctioned at the time of regularization of Mr. Rizwan Mahmood services in PPRA.
- (c) That the Respondent No.6 (Managing Director (PPRA) has changed the nomenclature of Respondent No.23 (Mr. Yasir Shamim Khan) from Accounts Officer to Assistant Director (A&F) illegally in 2008. The case for change of nomenclature of Respondent No.23 (Mr. Yasir Shamim Khan) was also not presented to PPRA Board for approval nor submitted to Finance & Establishment Division for Concurrence.
- (d) The post of Accounts Officer OR Assistant Director (A&F) does not exist/sanctioned in PPRA at the time of regularization of services of Respondent No.23 (Mr. Yasir Shamim Khan) in PPRA. He is also promoted as Deputy Director (Finance) in 34<sup>th</sup> PPRA BOD's meeting held on 04.01.2018 illegally.

Certified to Be True Copy

30 DEC 2019

Examiner  
Copy Supply Section  
Authorized Under article 10 of  
Qanoon-e-Shahadat Order 1984  
Islamabad High Court  
Islamabad



#### **16. APPROVAL OF CURRENT CHARGE OF Director Posts TO Respondent No.20 Illegally & Un-Authorisely**

That Respondent No.20, (Mr. Ali Temoor) is holding charge of Director (Monitoring & Evaluation) post in Monitoring & Evaluation (M&E) Wing. (Annex-R). The fact is that he belongs with Training & HR Cadre; he hold HR Degree and not eligible for Director (M&E) Post. The eligibility criteria for Director (M&E) initial appointment, promotion and current charge as per Service Regulations are as under.

### Appointment against Director (M&E) Post on Initial Basis.

- (i) Minimum B.E/B.Sc degree (civil, electrical, mechanical) or MA/MSc Procurement (16 years education), atleast 45% marks, or equivalent from HEC recognized University.
- (ii) Minimum 12 years recognized and verifiable post qualification experience in the relevant held.

### Eligibility for Promotion against Director (M&E) Post.

- Minimum 7 years' service in PPG-2.

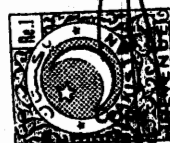
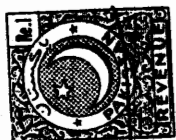
PPG-2 means PPRA Professional Grade (PPG) Deputy Director

### Eligibility for CURRENT CHARGE OF A HIGHER POST as per rules.

Where considered in the interest of the Authority's work, an employee who is the senior most amongst his cadre, may with the approval of the Managing Director be given the current charge of a higher position against a vacant post (for which he is otherwise considered eligible for promotion) till such time as determined.

As required above under PPRA Service regulations, Seven Year's regular service is necessary as Deputy Director (M&E) for approval of current charge of the Post of Director (M&E) in M&E Cadre which the Respondent No.20 (Mr. Ali Temoor) does not hold. Therefore, the charge of Director (Monitoring & Evaluation) to Respondent No.20 (Mr. Ali Temoor) is Illegal & Un-authorised.

- b) That the Respondent No.6 (Managing Director) has also violated the following ESTACODE rules (**Annex-S**) at the time of grant of Director (Monitoring & Evaluation)/M&E charge to Respondent No.20 (Mr. Ali Temoor).



Be True Copy

DEC 2019  
Examiner  
Supply Section  
under article-37 of  
Qanoon-e-Shahadat Order 1988  
Islamabad High Court  
Islamabad

Sl. No. 12 (Current/Additional Charge and Acting Charge Appointments)

12.3 Current Charge Appointment – Determination of Seniority within an organization.

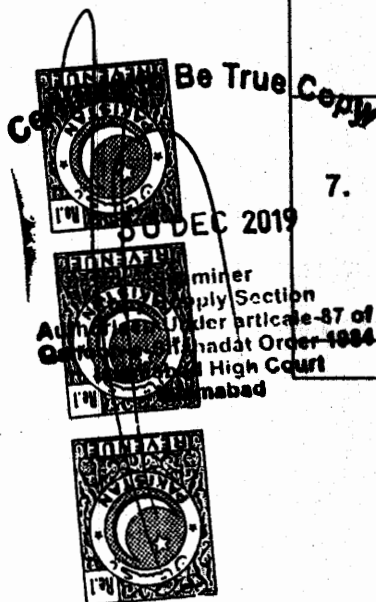
12.4 Extension in Current Charge Appointment

- c) That the approval of current Charge of Director (M&E) Post to Respondent No.20 (Mr. Ali Temoor) is Illegal & Un-authorized and based on favouritism and nepotism of Respondent No.6 (Managing Director). The notification against the Current Charge of Director (M&E) post is required to be withdrawn forthwith.



- d) That the illegal appointed, upgraded, promoted and illegal regularized employees are not entitled to receive the benefits of regular employees as arrears from back dates w.e.f. 17.01.2012 to 31.12.2017 (Five Years) under PPRA Service Notified vide S.R.O.No.79(1)/2017 on 6<sup>th</sup> February, 2017. The details of illegal payments as pointed by Audit team Annex-X is as under.

S.No	Details	Rupees
1.	Payment of Un-authorised Pay & Allowances to illegal appointed employees of PPRA during FY-2017-18 as stated in Para No.4 of Federal Audit of FY-2015-2018.	42,272,817
2.	Un-authorised Payment of (HBA) as stated in Para No.6 of Federal Audit of FY-2015-2018	19,558,200
3.	Un-authorised Payment of (MCA) as stated in Para No.6 of Federal Audit of FY-2015-2018.	11,435,256
4.	Payment of Arrears to illegal appointed and Up-graded employees of PPRA as stated in Para No.8 of Federal Audit of FY-2015-2018.	6,595,784
5.	Un-authorised Payment of 20% Special Allowance 2013 as stated in Para No.12 of Federal Audit of FY-2015-2018.	1,444,322
6.	Payment of Special Regulatory Allowance (SRA) for the period from 1 <sup>st</sup> July, 2016 to January, 2017. (As stated on Per Para No. C Annex-U)	5,600,000
7.	Payment of Arrears to illegal appointed employees after grant of senior scale illegally. (Jan, 2017 to Dec, 2018). (As stated on Per Para No.14(g) Annex-N)	155,358
<b>Total Payments</b>		<b>87,061,737</b>



# **17. RELEASE OF PAYMENTS TO ILLEGAL APPOINTED/ UP-GRADED/REGULARIZED EMPLOYEES OF PPRA**

- a) That the Respondent No.20 (Mr. Ali Temoor) and Respondent No.23 (Mr. Yasir Shamim Khan) claimed and processed the arrears for themselves along with other illegally appointed PPRA employees for that illegal up-gradation, promotions and also regularization for the period from 2012 to 2017 (Five Years) through submission of misleading facts to Respondent No.6 (MD-PPRA) in isolation and without informing/obtaining approval from PPRA Board and paid Millions of rupees on account of Pay & Allowance, perks & benefits arrears to illegal appointed PPRA employees.
- b) That the PPRA Board has approved the revision of pay scale w.e.f. 1<sup>st</sup> July, 2013, In agenda item No.4 of 11<sup>th</sup> BOD's (Annex-U) meeting held on 16<sup>th</sup> September, 2013. Later PPRA board has approved the Special Regulatory Allowance (SRA) for all PPRA employees in 26<sup>th</sup> BOD's (Annex-V) meeting held on 5<sup>th</sup> August, 2016 in agenda item No.4 w.e.f. 1<sup>st</sup> July, 2016 and paid arrears in December, 2016. The Respondent No.6 (MD-PPRA) has not revised the Pay Scale of PPRA employee's w.e.f. 1<sup>st</sup> July, 2013 due to scarcity of funds that time.
- c) That after the repatriation of deputationists on 25.01.2017 the illegal appointed officers processed the revision of pay scale case w.e.f. 1<sup>st</sup> July, 2013 to Respondent No.6 (MD-PPRA) for approval. Accordingly, Pay Scales have been approved/revised and arrears have been received by all 38 employees of PPRA in 2017. The illegal appointed employees received double benefits in Pay & Allowance, One-time Special Regulatory Allowance (SRA) from July, 2016 to January, 2017 and Second-time Arrears from 1<sup>st</sup> July, 2013 to 31<sup>st</sup> January, 2017. It is required that to recover the Special Regulatory Allowance (SRA) total amounting to Rs.5,600,000/- from all employees of PPRA for the period from 1<sup>st</sup> July, 2016 to January, 2017. Detail is placed on Annex-W.

Certified to Be True Copy

30 DEC 2019

Examiner  
Copy Supply Section  
Under article 87 of  
Constitution of Sindh  
Shariat Bench  
High Court  
Karachi





18.

**ILLEGAL REGULARIZATION IN PPRA**

a) That the Federal Audit, In Audit Para No.02 (Annex-Y) for the term 2013-14, the Audit Party is pointed that :-

- i) The Sub-committee of Cabinet Regularized PPRA employees subject to fulfillment of recruitment criterion and availability of posts but as clearly indicated in Board of PPRA's 13<sup>th</sup> meeting that at the time of regularization no posts/vacancies existed.
- ii) The Service Regulations of PPRA no so far been framed/approved.

Audit is of the view that regularization of 38 contract/contingent paid employees of PPRA without existence of posts/vacancies as mentioned by the PPRA Board in its meeting held on 13.01.2014 is irregular and unauthorized.

Audit recommends that matter may be enquired and responsibility may be fixed. The Board decided that the advice will be sought with the Cabinet Division and Establishment Division for the legal status of the regularization of PPRA employees before confirmation of their services.

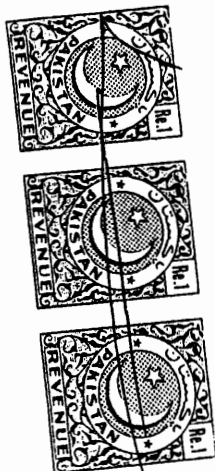
b) That the Cabinet Sub-committee (Khurshid Shah) (Annex-Z) had linked the regularizations of PPRA employees subject to fulfillment of recruitment criteria and availability of posts at the time of regularizations of services of PPRA Staff. PPRA employees do not fulfill both conditions at the time of regularizations, hence regularization of PPRA employees are illegal, unauthorized and without lawful authority i.e. *coram non judice*, outcome of favouritism and misuse of power and discretion by the Respondent No.6 (PPRA). Federal Audit also declared these appointments irregular and un-authorized and PPRA never settled the relevant Paras through Federal Audit and Department Accounts Committee (DAC) till date.

c) That the Section 6 of PPRA ordinance provides that competent forum of PPRA administration & affairs is PPRA Board (Annex-AA) and section 27 also empowers PPRA to make regulations for carrying out the purposes of PPRA Ordinance.

Certified to Be True Copy

30 DEC 2019

Examiner  
Copy Supply Section  
Authorized Under article-87 of  
Qanoon-e-Shahadat, 1984  
Islamabad High Court  
Islamabad



- d) That the case of regularizations of illegal appointed PPRA employees was presented in 13<sup>th</sup> PPRA BOD's meeting held on 13.01.2014 through agenda item No.4 (**Annex-BB**) for deliberations. In this meeting PPRA Board members have observed that at the time of regularization of PPRA Employees No Posts/Vacancies existed against which the PPRA Employees were regularized. Therefore, the Finance Division would not be responsible for the said action. Hence the Board decided as under.

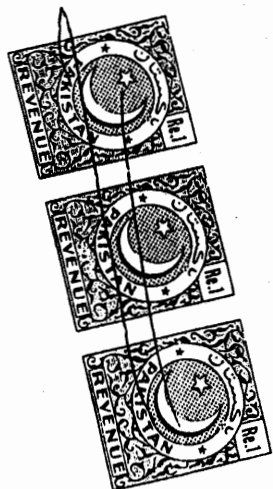
**"The Board decided that the advice will be sought with the Cabinet Division and the Establishment Division for the Legal status of the regularization of PPRA employees before confirmation of their services"**

In the light of above PPRA Board directions, PPRA approached Establishment Division through Cabinet Division vide Letter No.1(11)/Admn/PPRA/2013 dated 4/2/2014 (**Annex-CC**) for determination of **Legal Status** of regularization of PPRA employees before confirmation of their services.

- e) PPRA has also sent a letter No.3(4)/Admn/PPRA/2013 dated 19.11.2015, (**Annex-F**) to Cabinet Division for determination of legal status of PPRA Employees through Establishment Division in the light Establishment Division Policy contained in OM No.10/30/2008-R-II dated 29.08.2008 before confirmation of their services. The said letter was issued in compliance of Islamabad High Court Islamabad (IHC) Orders passed in Intra Court Appeal (ICA) No.325/2014 (titled Major Waqar Ali Shah & Others Vs Nawab Ali & Others) on 19.11.2015.

30 DEC 2019  
Examiner  
Copy Supply Section  
Authorised Under article 198  
Qanoon-e-Shahadat Order 1984  
Islamabad High Court  
Islamabad

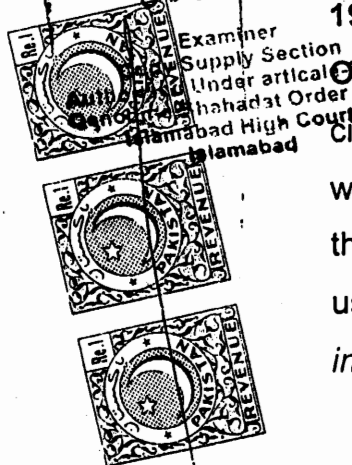
That the Departmental Accounts Committee (DAC) meeting has been held on 11.08.2017 on the Auditor General's Report (AR-Civil) 2014-15 on the Accounts of Cabinet Division. In this meeting Committee has not settled the PPRA Employees appointments and regularizations related Paras and issued directions to PPRA management to get the record verified from Audit. (**Annex-DD**)



- g) That PPRA Employees Regularization case is also pending in Ather Haseeb Committee. The committee had not considered consider the PPRA employees' regularization case for approval and no action has been taken till date.
- h) That in this connection it is relevant to point in this way the appointment of employees without fulfillment of recruitment criteria and availability of Posts is illegal and unlawful, necessitating disciplinary proceedings and penalty under the relevant Conduct Rules to all persons who collaborated with the **Respondent No. 7 to 22**, directly or indirectly, also they are liable to punishments according to nature of their offences under the provisions of the **Pakistan Penal Code (Act XLV of 1860)** read with provisions of the **Federal Investigation Act, 1974 (Act No. VIII of 1975)** and inquiry/investigations may carry out necessary investigations from NAB Or FIA in the subject matter as many persons acted in collaboration and in collusion with each other to provide benefits to all illegal appointed employees.
- i) That in this way, the **Respondents No. 7 to 22** had also used undue influence which is also one of corrupt practice and is a cognizable offence under the provisions of the National Accountability Ordinance, 1999 (Ordinance No. XVIII of 1999). That as the violations committed by the **Respondent Nos. 6 (MD-PPRA)** was of grave nature which also constitutes different offences under the provisions of the Pakistan Penal Code (Act No. XLV of 1860), the **Federal Investigation Act, 1974 (Act No. VIII of 1975)** and the **National Accountability Ordinance, 1999 (Ordinance No. XVIII of 1999)** and in such circumstances keeping a public office by an illegal appointed persons without competitive process and against the rules are highly against the public interest and all these illegal appointments constituting usurpation of a public office and is liable to set aside and de-notified *ab initio, inter alia*, on the following grounds amongst other:-

Certified to Be True Copy

30 DEC 2019



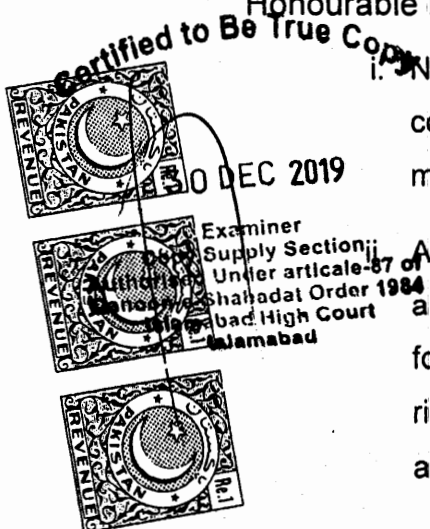
of the Ordinance stipulates, inter alia, that OGRA 'shall determine or approve tariff for regulated activities...' OGRA also has a major role assigned to it under section 8 of the Ordinance, in the matter of fixing prices of natural gas for retail consumers. [Paragraph 18 – Page 145]. The object of advertizing to the aforesaid figures is to demonstrate that fixation of tariff and prices for retail consumers is part of the regulatory function of OGRA and has a direct connection with the economic well-being of the people of Pakistan. Any increase in consumer prices, which results from lack of competence or integrity or because of inefficient regulation would result in depriving the citizens of their Fundamental Rights guaranteed by Articles 9, 14, 18, 23 and 24 of the Constitution because the scales of those engaged in regulated activities. It is, therefore, beyond doubt that, as the institution which is mandated to regulate the oil and gas trade and to determine tariffs and fix prices for consumers, OGRA's effective functioning has a direct nexus with securing the Fundamental Rights of the people of Pakistan. [Paragraph 21 – Pages 146-147]. Paragraphs 22 and 23 are also relevant in this regard.

Thus, in the case of the Respondent No. 7 to 20, is required to deal with affairs relating to law and interpretation of law and certainly there will be a chaos, unrest and mismanagement when the most relevant persons are appointed without advertisements, which is a mandatory requirement for discharge of official functions of the Respondent No. 7 to 20 and in the light of above observations it is the right of every citizen to invoke the jurisdiction of this Honourable Court to save a public office from its usurpation by the Respondent No. 7 to 20.

R. That in a reported Judgement In Intra Court Appeal No.340/2017, Imran Ahmad and Others Vs Federation of Pakistan and others, the Honourable Islamabad High Court Islamabad has held as under :

i. No one is allowed to hire any person on daily wages, contract basis, in any project, organization, office, ministries, divisions, etc., except in accordance with law.

All persons have to be appointed on permanent posts only and appointment on Ad hoc basis could not be considered for regularization and no individual could any claim legal right for regularization under any consideration while appointed on Ad-hoc basis.



iii. All project employees who are appointed in BPS-16 and above on project could not claim regularization of their services unless their projects have been converted from development to non-development phase by the Government of Pakistan.

iv. All project employees of BPS-1 to BPS-15 working in projects, which have been converted from development to non-development, shall be considered for the purpose of their regularization of services by their competent authorities while considering their qualification, eligibility, and fitness on case to case basis within the period of six (06) months (as one time exercise), subject to the condition that their initial selection was made through transparent manner i.e. advertisement, test and interview.

S. That the Petitioner is merely a whistle blower and not claiming any right through the instant Petition which is purely a public interest litigation to save the public office from its usurpation.

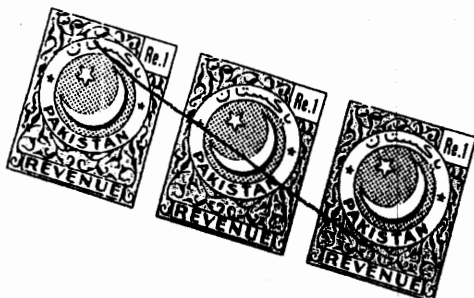
T. That the Petitioner will submit further **GROUND**s at the time of hearing of the Petition, if so necessary or deemed fit, relying upon the relevant judgments of the Honourable Apex Court and other Courts of law on the issue under consideration in the instant Petition.

Certified to Be True

30 DEC 2019

Examiner  
Copy Supply Section  
Authorised Under article 145 of  
Qanoon-e-Shahadat Order 1984  
Islamabad High Court  
Islamabad

That in the light of above-said submissions, there is no other alternate, efficacious, adequate and speedy remedy available to the Petitioner being an ordinary citizen of Pakistan except to seek the indulgence of this Honourable Court by invoking extraordinary constitutional jurisdiction in the matter and for issuance of appropriate writs to ensure rule of law and due process of law to protect the legitimate rights of the Petitioner.



## P R A Y E R

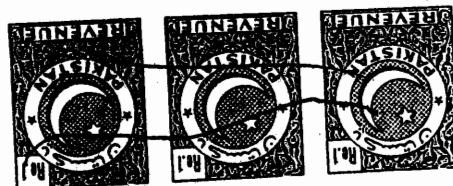
In view of the above, it is respectfully prayed that appropriate writs may graciously be issued to the following effect:—

- i. That to declare the appointments of Respondent No. 7 to 19 those are made without advertising the posts and observing the principles of competitive transparency and without sanction posts are illegal, void, without lawful authority i.e. *coram non judice*, outcome of favouritism and misuse of power and discretion by the Respondent No. 6 (MD-PPRA) and thus continuation of the appointment of these employees on different positions are usurpation of the said public office *ab initio* and till to date and be set aside *ab initio*.
- ii. That to declare the appointments of Respondent No. 20 to 22 (Project staff of PSCBP) those are made without sanction posts in violation of the Item No.1 of System of Financial Control & Budgeting 2006 rules and without conversion of project posts from development side to non-development side (with the recommendations of Planning Commission through (PC-IV) and also Finance Division and PPRA Board approval not obtained be set aside *ab initio* and being as such declare exercise of any powers and functions by the Respondents Nos. 6 (MD-PPRA) void *ab initio* or since the date of appointments, being void *ab initio*, illegal, without lawful authority i.e. *coram non judice*, *mala fide* and misuse of power by the Respondent No. 6 (MD-PPRA).
- iii. That the Respondent No. 7 to 22 show that under which authority of law, Rules and Regulations is holding the office of the PPRA on different Posts when all Respondent No. 7 to 22 appointed without fulfilling the competitive process, without sanction posts as without conversion of project staff from development side to non-development side and in such circumstances the appointments of Respondent No. 7 to 22 are illegal, without lawful authority i.e. *coram non judice*, outcome of favouritism and misuse of power and discretion by the Respondents Nos. 6 (MD-PPRA) and thus continuation of Respondent No. 7 to 22 on different posts are usurpation of the said public office *ab initio* and till to date and be set aside *ab initio*.

Certified to Be True

30 DEC 2017

Examiner  
Copy Supply Section  
Authorised Under article 87 of  
Constitution of Pakistan  
Islamabad High Court  
Islamabad

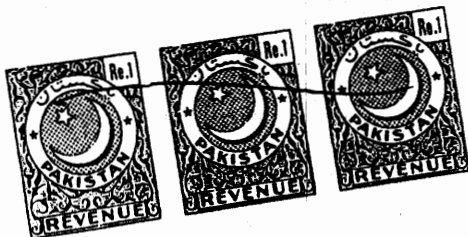


- iv. That to declare the up-gradations of illegal appointed employees (as mentioned on Para 14/F illegal, without lawful authority i.e. coram non judice, outcome of favouritism and misuse of power and discretion by the Respondent No.6 (MD-PPRA) and thus continuation of these employees on up-graded different positions are usurpation of the said public office ab initio and till to date and be set aside ab initio and arrears paid on up-gradations to be recovered from him as per detail on Para 14/F, which is huge loss of Govt, exchequer.
- v. That to declare the promotion of illegal appointed Respondent No.20 (Mr. Ali Temoor) illegal, without lawful authority i.e. coram non judice, outcome of concealment of facts, favouritism and misuse of power and discretion by the Respondent No.6 (MD-PPRA).
- vi. That to declare the charge of Respondent No.20 (Mr. Ali Temoor) on Director (M&E) Post illegal, un-authorised, without lawful authority i.e. coram non judice, outcome of concealment of facts, favouritism and misuse of power and discretion by the Respondent No.6 (MD-PPRA).
- vii. That to declare the grant of senior scale of one grade above to seven employees (named mentioned on Para 14(g) above) w.e.f. 17<sup>th</sup> January, 2017 illegal, un-authorised, without lawful authority i.e. coram non judice, outcome of concealment of facts, favouritism and misuse of power and discretion by the Respondent No.6 (MD-PPRA).
- viii. Direct the Respondent No.2 (Seceretary, Finance Division/Chairman (PPRA-Board) to initiaite the disciplinary proceedings of misconduct and inefficiency against the Respodnent No.20 (DD-HR) and Respeondent No.23 (DDO-PPRA) those were involved in illegal processing of arrears payments, upgradations, promotions cases, which casue huge loss of Govt, Exchequer.
- ix. Direct the Respondent No.1 (Auditor General) to provide the compliance report of Audit Para No.4 & 5 of FY-2012-2013 related with illegal appointments.

Certified to Be True Copy

30 DEC 2019

Examiner  
Copy Supply Section  
Audit and Inspection Department  
Government of Sindh  
Islamabad Court  
Islamabad





- x. That the cost of this constrained litigation through this Writ Petition for protection of legal and Fundamental Rights of the Petitioner as well as the citizens of Pakistan may also be awarded.

Any other favourable relief may also graciously be granted to the Petitioner as may be deemed just and proper in the facts and circumstances of the case.

*m/In*

(Hassan Abbas)  
Son of Muhammad Abbas  
(Petitioner)

Through

*Ali Nawaz*

*Muhammad Bilal Waince*  
(Muhammad Bilal Waince)  
Advocate High Court  
CC No.63581

(Ali Nawaz Kharal)  
Advocate High Court  
CC No.3809

Kharal & Co, Advocates and Corporate Consultants,  
Sector F-7, Jinnah Super, Islamabad  
Phone: 051-2651798-99, www.rnkandco.com

### CERTIFICATION/VERIFICATION

It is certified upon information received from the Petitioner that no Writ Petition having the same subject matter has earlier been filed on behalf of the Petitioner and is pending adjudication in this Honourable Court or the Honourable Supreme Court of Pakistan or in any Tribunal, etc.

*Smilled w/ 2871-13 was decided Honourable High Court.*

*Ali Nawaz*  
Counsel

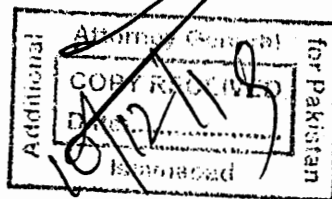
### LIST OF BOOKS:

1. The Constitution of the Islamic Republic of Pakistan.
2. COBRA Service Regulations.
3. Judgements of the Honourable Supreme Court of Pakistan and High Courts, etc, on the subject.

Certified to Be True

30 DEC 2019

Examiner  
Copy Supply Section  
Authorised Under article-87 of  
Qanoon-e-Shahadat  
Islamabad  
Office of Court Advocate General  
Islamabad Capital Territory  
Islamabad





50

- 1 -

**IN THE ISLAMABAD HIGH COURT,**  
**ISLAMABAD**

62

P

7

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

46

47

48

49

50

51

52

53

54

55

56

57

58

59

60

61

62

63

64

65

66

67

68

69

70

71

72

73

74

75

76

77

78

79

80

81

82

83

84

85

86

87

88

89

90

91

92

93

94

95

96

97

98

99

100

101

102

103

104

105

106

107

108

109

110

111

112

113

114

115

116

117

118

119

120

121

122

123

124

125

126

127

128

129

130

131

132

133

134

135

136

137

138

139

140

141

142

143

144

145

146

147

148

149

150

151

152

153

154

155

156

157

158

159

160

161

162

163

164

165

166

167

168

169

170

171

172

173

174

175

176

177

178

179

180

181

182

183

184

185

186

187

188

189

190

191

192

193

194

195

196

197

198

199

200

201

202

203

204

205

206

207

208

209

210

211

212

213

214

215

216

217

218

219

220

221

222

223

224

225

226

227

228

229

230

231

232

233

234

235

236

237

238

239

240

241

242

243

244

245

246

247

248

249

250

251

252

253

254

255

256

257

258

259

260

261

262

263

264

265

266

267

268

269

270

271

272

273

274

275

276

277

278

279

280

281

282

283

284

285

286

287

288

289

290

291

292

293

294

295

296

297

298

299

300

301

302

303

304

305

306

307

308

309

310

311

312

313

314

315

316

317

318

319

320

321

322

323

324

325

326

327

328

329

330

331

332

333

334

335

336

337

338

339

340

341

342

343

344

345

346

347

348

349

350

351

352

353

354

355

356

357

358

359

360

361

362

363

364

365

366

367

368

369

370

371

372

373

374

375

376

377

378

379

380

381

382

383

384

385

386

387

388

389

390

391

392

393

394

395

396

397

398

399

400

401

402

403

404

405

406

407

408

409

410

411

412

413

414

415

416

417

418

419

420

421

422

423

424

425

426

427

428

429

430

431

432

433

434

435

436

437

438

439

440

441

442

443

444

445

446

447

448

449

450

451

452

453

454

455

456

457

458

459

460

461

462

463

464

465

466

467

468

469

470

471

472

473

474

475

476

477

478

479

480

481

482

483

484

485

486

487

488

489

490

491

492

493

494

495

496

497

498

499

500

501

502

503

504

505

506

507

508

509

510

511

512

513

514

515

516

517

518

519

520

521

522

523

524

525

526

527

528

529

530

531

532

533

534

535

536

537

538

539

540

541

542

543

544

545

546

547

548

549

550

551

552

553

554

555

556

557

558

559

560

561

562

563

564

565

566

567

568

569

570

571

572

573

574

575

576

577

578

579

580

581

582

583

584

585

586

587

588

589

590

591

592

593

594

595

596

597

598

599

600

601

602

603

604

605

606

607

608

609

610

611

612

613

614

615

616

617

618

619

620

621

622

623

624

625

626

627

628

629

630

631

632

633

634

635

636

637

638

639

640

641

642

643

644

645

646

647

648

649

650

651

652

653

654

655

656

657

658

659

660

661

662

663

664

665

666

667

668

669

670

671

672

673

674

675

676

677

678

679

680

681

682

683

684

685

686

687

688

689

690

691

692

693

694

695

696

697

698

699

700

701

702

703

704

705

706

707

708

709

710

711

712

713

714

715

716

717

718

719

720

721

722

723

724

725

726

727

728

729

730

731

732

733

734

735

736

737

738

739

740

741

742

743

744

745

746

747

748

749

750

751

752

753

754

755

756

757

758

759

760

761

762

763

764

765

766

767

768

769

770

771

772

773

774

775

776

777

778

779

780

781

782

783

784

785

786

787

788

789

790

791

792

793

794

795

796

797

798

799

800

801

802

803

804

805

806

807

808

809

810

811

812

813

814

815

816

817

818

819

820

821

822

823

824

825

826

827

828

829

830

831

832

833

834

835

836

837

838

839

840

841

842

843

844

845

846

847

848

849

850

851

852

853

854

855

856

857

858

859

860

861

862

863

864

865

866

867

868

869

870

871

872

873

874

875

876

877

878

879

880

881

882

883

884

885

886

887

888

889

890

891

892

893

894

895</

51  
63

Pakistan. Reference is made to the judgments reported as **2019 SCMR 278**.

- ii. That the instant writ petition is not maintainable on the ground that the petitioner has failed to challenge the vires of the law, without which the relief sought by the petitioner cannot be granted. Reliance is placed on the Judgment reported in **2018 PLC (CS) 907**, Islamabad as upheld by the august Supreme Court of Pakistan in its Judgment reported in **2018 SCMR 969**.
- iii. That the instant writ petition is not maintainable on the ground that it is an established principle of law that the findings and recommendations of the Competent Authority cannot be substituted whilst exercising the power under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973.
- iv. That the instant writ petition is not maintainable on the ground that the petitioner has raised disputed facts in the writ petition which cannot be resolved whilst exercising the power Under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973. Reliance is placed on the judgments reported in **2012 SCMR 728, 2011 SCMR 1990, 2011 SCMR 1023, 2011 SCMR 265 and 2010 SCMR 1057**.

- v. That the instant writ petition is not maintainable on the ground that the petitioner has not come to the Court with clean hands rather the petitioner has concealed the material facts from this Hon'ble Court in order to achieve the ill motives and desirable goals.
- vi. That the instant writ petition is not maintainable on the ground that it is an established principle of law that the Competent Authority can dispense with the services of an employee before the expiry of probation period, whilst being the best judge of his performance and official conduct. In the instant case, such exercise has been carried out keeping in view the petitioners performance and conduct during his probation period being not up to mark and satisfactory.
- vii. That the instant writ petition is not maintainable on the ground that under Section 8 (7) of the Public Procurement Regulatory Authority, Pakistan (PPRA) Ordinance 2002, **"the Managing Director (answering respondent No. 01) shall have the power and responsibility to exercise administrative control over the personnel of the Authority"**.

Moreover, under Regulation 2(3) of "Public Procurement Regulatory Authority" Service Regulations, 2017 (PPRA Service Regulations), ***"the Competent Authority is Managing Director (answering respondent No.1), the appointing authority or any officer/senior employee of PPRA who is designated by the Managing Director to exercise the powers of Competent Authority"***.

Thus, the Managing Director is duly vested with the authority under the law.

- viii. That the service of the petitioner is governed under regulation 16(4) of PPRA Service Regulations which enunciates that ***"where in the opinion of competent authority, the performance or conduct of a person on probation has been unsatisfactory or where he/she has failed to pass such examination or test or to complete successfully any mandatory course or training, the services of the employees shall be terminated"***. In the circumstances, the instant writ petition may very graciously be dismissed with cost being not maintainable.

and to Be True Copy  
1984  
High Court  
Is. 10/10/84

54

66

**REPORT**

1. That in background of the legal position explained above, succinctly, the facts of the instant writ petition are that the petitioner had been appointed as DG, IT & Research in PPRA, Pakistan on probation initially for a period of one year under PPRA, Service Regulations. It is worthwhile to mention here that since joining, the performance of the petitioner was not meeting the required standard of performance.
2. That it is significant to mention here that during the probation period an advisory note was served upon the petitioner in order to provide him a chance to get improve the performance and conduct towards his official duties but instead of improving the official conduct and performance, the petitioner has tried to use external influence to interfere the administrative affairs of the Authority in general and paralyzed the administrative jurisdiction of the Managing Director, PPRA (Competent Authority).
3. That the petitioner has left no stone unturned to hamper the regulatory image of PPRA and approached various forums and filed various false

certified to be true

67 55

and frivolous applications/complaints against the PPRA Board, Managing Director PPRA and other officers of the Authority.

4. That it is also pertinent to mention here that revamping of PPRA Website, Mobile applications etc. comes within the ambit of core functions of IT Wing in general and the petitioner in particular. However, the petitioner preferred to propose the outsourcing of said functions rather than performing the same by him or providing guidance to the reporting IT staff. Such a vicious proposal clearly defeats the very purpose of the petitioner's appointment in PPRA against the post of DG (IT & Research). Moreover, the petitioner has failed to develop Management Information System (MIS) for all the relevant wings of PPRA.

5. That being appointed as DG (IT & Research), it was the sole responsibility of the petitioner to perform as well as supervise the research work for the interest of the organization, whereas ironically the petitioner neither performed any research work nor reviewed / nor forward any of such work throughout his probationary period. Furthermore, the petitioner has not made a single effort to determine the functional

Continued to Be True

68

requirements for the upcoming e-Procurement system or *inter-alia* determining any hardware & software requirement. Additionally in continuation of untoward approach and callous attitude of the petitioner, he manipulated and maligned the facts of unconcluded tender for hiring of Procurement Consultant in connection with e-Procurement project under the umbrella of Public Financial Management (PFM). As such the petitioner has been untimely divulging and disseminating the information of ongoing tender process to the bidders in gross violations of rule 41 (confidentiality ) of Public Procurement Rules, 2004 to settle his unknown vested interests as such the petitioner tried his best to lay the foundation of e-Procurement System on the footings of mis-procurement.

6. That the subject tender was declared mis-procurement by Competent Authority, and the petitioner was assigned key role in upcoming activities of the projects; however, rather than performing his assigned tasks; he started agitating the matter at different external forums; and left no stone unturned to dent the regulatory image of PPRA. Due to such agitations, the project was also delayed.

7. That the petitioner being in-charge of IT Wing has failed to establish congenial work environment among peers and support staff. Rather the petitioner showed disgruntled attitude towards the employees of the Authority by blocking the smooth functioning of day to day affairs of PPRA which tantamount to unbecoming of an officer.
8. That the petitioner approached this Hon'ble Court by filing a writ petition bearing No. 4488/ 2018 titled as Irfan Rafique vs. PPRA and Others while misrepresenting the actual facts, which was subsequently dismissed as not pressed vide order dated 26.11.2018.
- ✓ 9. That it is also relevant to mention here that apart from legal powers vested to Managing Director under PPRA Ordinance, 2002 and the PPRA Service regulations framed there-under, the PPRA Board in its 37<sup>th</sup> Meeting held on 01-04-2019 has also delegated him necessary powers to take decision on the appointment related issues such as probation including confirmation, extension of probation and termination of services and allied court matters, as the case may be.

Certified to Be True Copy



10. That in the light of above facts and circumstances the probation of the petitioner was not extended resultantly the services were terminated under regulation 16(4) of PPRA Service Regulations which enunciates that ***"where in the opinion of competent authority, the performance or conduct of a person on probation has been unsatisfactory or where he / she has failed to pass such examination or test or to complete successfully any mandatory course or training, the services of the employees shall be terminated"***. In the circumstances, the instant writ petition may very graciously be dismissed with cost being not maintainable.

11. That it is also not out of context to mention here that the petitioner has been on lien with previous employer (Pakistan Institute of Development Economics (PIDE) which is evident from the letter No. HRD.238(6)24 dated 29-05-2018 issued by PIDE. Therefore, concealment of this very fact by the petitioner regarding the right of lien in the instant writ petition may very kindly be taken into serious considerations by this Hon'ble Court in the supreme interest of justice since, it is settled principle of law

Certified to Be True Copy

15 JUN 2020

59  
21

- 10

of that for equitable relief one must come to the court with clean hands.

12. That the contentions of the instant writ petition are false, frivolous, devoid of merit, hence the same is liable to be dismissed with cost in the supreme interest of justice.

### PARAWISE COMMENTS

- I. Denied being incorrect. In reply to this para it is submitted that petitioner was appointed vide offer of appointment letter bearing No. F. 3(4)/Admn/PPRA/2013 dated. 21-05-2018 wherein as per sub-clause III of para 1 clearly stipulates that the petitioner had to serve the initial probation period of one year in terms of PPRA Service Regulations. It is also important to mention here that the petitioner had duly accepted all the terms and conditions including the probation clause enshrined under regulation 16 of PPRA Service Regulations. The services of the petitioner were terminated under regulation 16(4) of PPRA Service Regulations which enunciates that ***"where in the opinion of competent authority, the performance or conduct of a person on probation has been unsatisfactory or where he/she has***

***failed to pass such examination or test or to complete successfully any mandatory course or training, the services of the employees shall be terminated***" It is also clarified that as per regulation 2(3) of PPRA Service Regulations the Competent Authority is respondent No.1 (Managing Director) to determine the performance or conduct of all the employees of the Authority. As per the functions assigned to MD PPRA as per Service Regulations and delegated by the PPRA Board in 37<sup>th</sup> Board Meeting, it was the utmost responsibility of the Managing Director to assess and examine the professional performance and conduct of newly recruited Officers in order to take decision regarding their confirmation, probation extension or the termination of the services as the case may be. Since the Directors General were directly responsible to MD PPRA so he assessed and examine their professional performance and conduct being fulfilling his responsibilities. Therefore, the contentions of the petitioner regarding the approval of the Competent Authority are not correct and sustainable.

Certified to Be True Copy

15 JUN 2020

7 of  
1984

61

73

REPLY TO FACTS

1. Admitted to the extent that Public Procurement Regulatory Authority has been established through Ordinance No. XXII of 2002. However, contention of rest of the para is misleading and incorrect hence, denied. In reply to this para, it is submitted that as per Section 8(7) (a) of PPRA Ordinance, 2002 which enunciates that "**Managing Director shall have the power and responsibility to.... exercise administrative control over the personnel of the Authority**". Further, as submitted above Managing Director is also declared as the Competent Authority in terms of regulation 2(3) of PPRA Service Regulations. Even otherwise it makes no sense that PPRA Board comprising of ten (10) members including seven, (07) Federal Secretaries and three Private Members from different fields can monitor the day to day administrative affairs of the Authority and personnel of the Authority. Therefore, answering respondent No.1 (Managing Director) is legally authorized under PPRA Ordinance, 2002 and 2(3) of PPRA Service Regulations.

2. Not denied.

74

3. Not denied. However, with regard to the Appendix-2 of PPRA Service Regulations, it is submitted that the posts of Director Generals are hundred percent allocated for promotion purpose and the same stance was also taken by the answering respondents during first round of litigation. However, in compliance of the directions of Hon'ble Court appointments were allowed to the Director General including the petitioner.

4. Matter of record. However, the petitioner has obtained Master of Science in Computer Science for low rank University without any relevant bachelor's degree which remained included in the banned list of HEC. It is pertinent to mention that the certification of Project Management Professional (PMP) was not a mandatory requirement for the post of DG (IT & Research) in PPRA. With such irrelevant background, the petitioner has failed to grasp the technical knowledge required for the post of DG in general and in the areas of IT & Research in particular.

Certified to Be True

5 to 8. That In reply to these paragraphs it is submitted that the advertisement was published by the Authority for the hiring of suitable manpower against various

posts. However, the then MD namely Ms. Nargis Ghollo, had observed many serious violations of merit in the recruitment process and intended to take the matter to PPRA Board for the decision. Furthermore, the previous judgment passed by this Hon'ble Court in the writ petition and intra court appeal are not relevant to the instant issue of termination.

9. Vehemently Denied. The answering respondent never refused the joining of the petitioner nor created any hurdle in acceptance of his joining, hence there is no question of utmost repulsive and vindictive behavior on the part of respondent No. 01.

- 10 & 11. Vehemently denied. The petitioner was served with an advisory note for improving his performance. However, it is clarified that said advisory note was neither a show cause nor a charge sheet. It was only meant for betterment of petitioner. Rather improving performance, the petitioner filed the writ petition No. 4486/ 2018 at Islamabad High Court wherein the petitioner tried to paralyze the day to day affairs of Authority by maligning Answering Respondent No. 01 and other senior officers of the Authority. The

64  
76

- 5 -

said writ petition was subsequently dismissed as not pressed vide order dated 26.11.2018.

12. Vehemently denied. However, the Petitioner, with malafide intent, declared the actions of the fact finding officer as well as MD PPRA biased. The fact finding report was forwarded to Cabinet Division, being the Administrative Division of the Authority, to get an unbiased opinion. However, the petitioner again questioned the rational and power of the Cabinet Division in an attempt to stall the administrative arm of the Authority. Hence this clearly shows the petitioner's mal intent to mislead this Honorable Court to get a favorable decision in concealment of their inefficiency.
14. Denied being incorrect. As stated vide Para I Supra, the letter dated 17-05-2019 was issued in accordance with probationary clause of PPRA Service Regulations and Sub Para (iii) of Para 1 of offer of appointment letter the conditions of which were duly acceded to by the petitioner. It is further highlighted that the career of the petitioner is protected by his previous department i.e. (Pakistan Institute of Development Economics (PIDE). The said

Certified to Be True  
Copy

65  
77

employer has issued to the petitioner a lien certificate.

**Reply to Ground**

- i. That the content of the Para 1 is correct to the extent that public functionaries are bound to exercise the discretion fairly and justly, which has been done in the present case. However, version of the petitioner is incorrect as the answering respondents have exercised the discretion fairly, justly and in accordance with the rules and law.
- ii. That the Para 2 is incorrect and denied vehemently. The services of the petitioner have been terminated during the probationary period and no stigma is attached to the termination letter. Therefore, the reasons given by the petitioner in para 2 are incorrect and denied.
- iii. That the content of the Para 3 is also incorrect and denied. The services of the petitioner have been terminated in accordance with the Regulation 16(4) of "Public Procurement Regulatory Authority" Service Regulations, 2017 (PPRA Service Regulations), which enunciates that **"where in the opinion of competent authority, the**

Certified to Be True Copy

10 JUN 2020

10 JUN 2020



***performance or conduct of a person on probation has been unsatisfactory or where he/she has failed to pass such examination or test or to complete successfully any mandatory course or training, the services of the employees shall be terminated".***

Furthermore, the previous judgment passed by this Hon'ble Court in the writ petition and intra court appeal are not relevant to the instant issue of termination.

- iv. That the Para 4 is incorrect and denied. From bare-reading of the Regulation 16(4) of "Public Procurement Regulatory Authority" Service Regulations, 2017 (PPRA Service Regulations), mentioned in para above, it is crystal clear that if in the opinion of the competent authority, the performance or conduct of a person found unsatisfactory during the probation period, then the services of the employee shall be terminated. Hence, no notice is required at all while terminating the services of the employee during the probationary period.

Certified to Be True Copy

15 JUN 2020

- v. That the content of the Para 5 is incorrect and denied. From bare reading of the Regulation 2(3) of

“Public Procurement Regulatory Authority” Service Regulations, 2017 (PPRA Service Regulations), it is suffice to say that the Management Director is the competent authority, therefore he is fully empowered to pass the order as per rules on the subject.

Furthermore, it is also relevant to mention here that apart from legal powers vested to Managing Director under PPRA Ordinance, 2002 and the PPRA Service regulations framed there-under, the PPRA Board in its 37<sup>th</sup> Meeting held on 01-04-2019 has also delegated him necessary powers to take decision on the appointment related issues such as probation including confirmation, extension of probation and termination of services and allied court matters, as the case may be. Hence, by saying that the Management Director is not a competent authority, is illegal, unlawful and also against the law.

vi to xv. That in reply to para nos. 6 to 15 the answering respondent has already clarified the factual as well as legal position in detail in paras supra. However, it is reiterated that the petitioner's services were terminated during the probationary period due to unsatisfactory performance and for that purpose

Certified to Be True Copy

15 JUN 2020

17 of

neither the show cause notice is required, nor an opportunity of hearing is required.

**PRAYER:**

In view of the foregoing, it is respectfully prayed that the instant writ petition may please be dismissed with cost in the interest of justice.

*T. Malik*

**On Behalf of Respondent No. 1**  
**TARIQ ALTAH MALIK**  
 Director (Litigation)  
 Public Procurement Regulatory Authority  
 Cabinet Division, Govt. of Pakistan  
 Islamabad

**Through**

*M. Shoaib*

**MUHAMMAD SHOAIB SHAHEEN**  
 ADVOCATE SUPREME COURT OF PAKISTAN

*M. Umair*

**MUHAMMAD UMAIR BALOCH**  
 ADVOCATE SUPREME COURT OF PAKISTAN

*M. Waqas*

**MIRZA WAQAS QAYYUM**  
 ADVOCATE HIGH COURT

*Recd*

# PPRA accused of making over 30 'illegal' appointments

By Our Staff Reporter

ISLAMABAD: The Public Procurement Regulatory Authority (PPRA), which was established to ensure transparency in procurements by all ministries and departments of the federal government, has been accused of making 32 appointments in a non-transparent manner.

In the audit of the PPRA, the office of the Auditor General of Pakistan raised objection to these appointments.

According to PPRA's website, it "is an autonomous body endowed with the responsibility of prescribing regulations and procedures for public procurements by federal government-owned public sector organisations with a view to improving governance, management, transparency, accountability and quality of public procurement of goods, works and services. It is also endowed with the responsibility of monitoring procurement by public sector agencies/organisations and has been delegated necessary powers under the Public Procurement Regulatory Authority Ordinance, 2002".

However, the audit observed that the Establishment Division vide an office memorandum of Jan 1, 1992 states that no ministry, division, department and organisation will receive applications for any post unless the vacancies are advertised.

As per the audit objection, "the management of Public Procurement Regulatory Authority appointed employees without advertisement". The audit further noted that "the management appointed the employees without observing proper procedure".

Subsequently, the audit "is of the view that an appointment of staff without advertisement was irregular and unauthorised".

Following the audit objection, a citizen, retired Brigadier Suleman Ahmed Khan, has filed a complaint with Principal Secretary to the Prime Minister

Mohammad Azam Khan, drawing his attention to 'illegal' appointments.

According to the complaint, majority of these 32 'illegal' appointees are relatives of PPRA's senior officials. In some cases, the senior officials employed their personal servants on lower-grade positions in the PPRA without advertising the posts in the press. The complaint said: "The appointment of 32 PPRA staff is violation of law, misuse of public authority, discretion as well as usurpation of a public office without completing legal formalities."

As per a list of the 32 officials, there are three deputy directors, namely Ali Temoor, Yasir Shamim Khan and Rizwan Mehmood, who were initially appointed on contract without completing codal formalities and without the approval of the PPRA board.

Most of the appointments without advertisement have been made allegedly on the directive of former managing director of the PPRA Mohammad Khalid Javed. He even appointed his personal servants in low-grade jobs.

A senior official of the PPRA told *Dawn* that initially they were appointed on a contract basis against temporary positions. However, a sub-committee of the cabinet headed by Syed Khursheed Ahmed Shah regularised them in the PPRA despite the fact that there was no permanent position against which the jobs of contractual employees could be regularised. It may be mentioned that the office of the auditor general also noted that "their services were subsequently regularised in PPRA without the approval of finance division".

The official said the authorities concerned were planning to obtain post-facto approval of these unauthorised appointments which was not permissible under the rules. PPRA director general Irfan Rafique, when contacted, said the audit para regarding the unauthorised appointments was being examined and would be dealt with in accordance with the law.

Amuse - N

PIC-455-01

66



Fida Muhammad Wazir  
Managing Director

F. No. 7(40)/Admn/PPRA/2019  
**PUBLIC PROCUREMENT REGULATORY AUTHORITY**  
**CABINET DIVISION**  
**GOVERNMENT OF PAKISTAN**

Islamabad, the 17<sup>th</sup> April, 2019

**Subject: 38<sup>TH</sup> PPRA BOARD OF MEMBERS MEETING**

Dear Secretary / Member,

The 38<sup>th</sup> PPRA Board of Members meeting is schedule to be held on 18<sup>th</sup> April, 2019 at 02:00 p.m. in the Committee Room # 2 of Ministry of Finance, 2<sup>nd</sup> Floor, Q-Block, Pak Secretariat, Islamabad.

2. Kindly make it convenient to attend the meeting on the aforementioned venue, date and time. Agenda and working paper is enclosed for ready reference.

With best regards.

Yours sincerely,

(Fida Muhammad Wazir)

Encl: as above

1. Mr. Mohammad Younus Dagha, Secretary Finance Division / Chairman, PPRA Board.
2. Dr. Imran Zeb Khan, Secretary M/o Housing & Works / Member PPRA Board.
3. Lt Gen (R) Muhammad Ijaz Chaudhry HI (M), Secretary, Defence Production Division / Member PPRA Board.
- ✓ 4. Mr. Irfan Ali, Secretary, M/o Energy / Member PPRA Board.
5. Mr. Aamir Ashraf Khawaja, Secretary M/o Industries & Production / Member PPRA Board.
6. Mr. Shoaib Ahmad Siddiqui, Secretary M/o Communications / Member PPRA Board.
7. Mr. Muhammad Ashraf, Secretary M/o Water Resources / Member PPRA Board.



1st Floor, Federal Bank for Cooperatives Building, Sector G-5/2, Islamabad, Pakistan

Tel: +92-51-9224824. Facsimile: +92-51-9224823

E-mail: mdnra@ppra.gov.pk

67

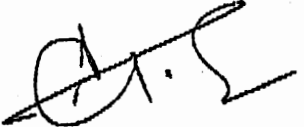
No. 7(40)/Admn/PPRA/2019  
Government of Pakistan  
Public Procurement Regulatory Authority  
(Cabinet Division)

Islamabad, the 19<sup>th</sup> April, 2019

**Subject:- 38<sup>th</sup> PPRA BOARD OF MEMBERS MEETING.**

I am directed to refer to this Authority's letter of even number dated 18<sup>th</sup> April, 2019 on the above subject and to state that 38<sup>th</sup> Meeting of PPRA Board which had earlier been postponed will now be held at 3:30 p.m. on 22<sup>nd</sup> April, 2019 in the Committee Room # 2 of Ministry of Finance, 2<sup>nd</sup> Floor, Q-Block, Pak Secretariat, Islamabad.

2. It is requested to kindly make it convenient to attend the meeting on the aforementioned venue, date and time.

  
(Ali Temoor)  
Deputy Director (HR)

1. Mr. Mohammad Younus Dagha, Chairman PPRA Board/Secretary Finance, Islamabad.
2. Dr. Imran Zeb Khan, Secretary, Ministry of Housing & Works / Member, PPRA Board.
3. Lt Gen (Retd) Muhammad Ijaz Chaudhry HI (M), Secretary, Defence Production Division / Member, PPRA Board.
4. Mr. Irfan Ali, Secretary, Ministry of Energy / Member, PPRA Board.
5. Mr. Aamir Ashraf Khawaja, Secretary, Ministry of Industries and Production / Member, PPRA Board.
6. Mr. Shoalb Ahmad Siddiqui, Ministry of Communications / Member, PPRA Board.
7. Mr. Muhammad Ashraf, Ministry of Water Resources / Member, PPRA Board.



IN THE SUPREME COURT OF PAKISTAN  
( Appellate Jurisdiction )

59

BENCH

Mr. Justice Amir Hani Muslim  
Mr. Justice Mushir Alam  
Mr. Justice Mazhar Alam Khan Miankhel

CRI. ORG. PETITION NO.189 OF 2016 IN CRI. ORG. PETITION NO.89 OF 2011

Muhammad Kamran ... .. Petitioner  
Versus  
Syed Tahir Shahbaz & others ... .. Respondents

For Petitioner : In-person.  
On Court's Call : Mr Muhammad Waqar Rana, Addl.A.G.  
Date of hearing : 25-01-2017

ORDER

We have gone through the contents of this contempt petition and have noticed that a number of persons have been brought in Public Procurement Regulatory Authority (PPRA) (hereinafter referred to as the Authority) on deputation, which *prima facie*, has blocked the promotion of the employees of the Authority. We are informed that the Regulations relating to the terms and conditions of service of the Authority were framed in the year 2013, but till date the Regulations have not been notified on account of personal interests of the highups. The Authority has been created with the object to ensure transparency in the procurement process in the public sector, but by posting the employees on deputation in it, the very object has stood defeated and we have also noticed in paragraph 12 of the Petition that several persons who were brought on deputation from different departments are continuing for years together.

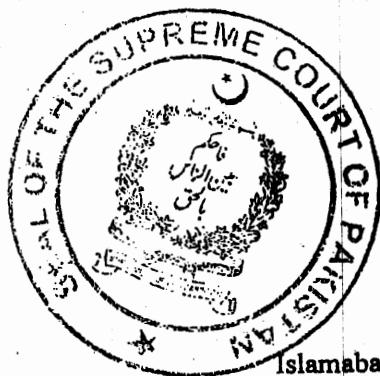
2. We, therefore, issue notice to the Attorney General for Pakistan and the Respondents to file their concise statements with explanation as to why they have failed to comply with the principles enunciated in the judgments reported as Contempt Proceedings against Chief Secretary, Sindh (2013 SCMR 1752) and Ali Azhar Khan

ATTESTED

Court Associate  
Supreme Court of Pakistan  
Islamabad

Baloch vs Province of Sindh (2015 SCMR 456). We direct them to immediately notify the Service Regulations of the Authority and repatriate the deputationists forthwith. The Secretary, Ministry of Finance, Government of Pakistan, shall be in attendance with explanation as to why the Board of the Authority could not be made operative, as according to the Petitioner, three Members who have to be appointed from the private sector, have not been notified for the last eight years, on the next date of hearing. To come up on 20<sup>th</sup> February 2017. The Federal Government shall also provide the details of the regulatory bodies/authorities etc. created with under respective statutes with detail of deputationists appointed and working therein, which were not made functional on account of the appointments made on deputation in these organizations.

66



Islamabad, the  
25-01-2017  
Sneed/

sd/- J  
sd/- J  
sd/- J

Certified to be True Copy

Court Associate  
Supreme Court of Pakistan  
Islamabad

GR No: 17442/18 Civil/Criminal  
Date of Presentation: 13-07-18  
No of Words: 600  
No of Folios: 6  
Requisition Fee Rs: 5.00  
Copy Fee in: 3.72  
Court Fee Stamp: 8.72  
Date of Completion: 30-7-18  
Date of delivery of: 04/8/18  
Comptroller: M. Kauran  
Received by: M. Kauran



Annex-G

49

Government of Pakistan  
Public Procurement Regulatory Authority  
(Cabinet Division)  
\*\*\*\*\*

**MINUTES OF 37<sup>TH</sup> MEETING OF THE PUBLIC PROCUREMENT REGULATORY AUTHORITY  
BOARD HELD ON 1<sup>ST</sup> APRIL, 2019**

The 37<sup>th</sup> meeting of the PPRA Board was held on 1<sup>st</sup> April, 2019 at 1430 hours in Finance Division, under the Chairmanship of the Finance Secretary i.e. Chairman PPRA Board. List of the participants is attached at Annex-I.

2. After welcoming the Board Members, the Chair invited Managing Director, PPRA to present the agenda items. The items, brief discussions thereon are given in the following paragraphs:

**Agenda Item 1: CONFIRMATION OF 36<sup>TH</sup> MEETING OF THE PPRA BOARD**

3. MD PPRA presented the Agenda Item that 36<sup>th</sup> Meeting of the PPRA Board was held on 7<sup>th</sup> February, 2019 and the Board unanimously approved the proposed amendments in S.R.O. 719(I)/2011. However, Secretary Communications showed reservation on the words "Unanimous approval" and apprised that the minutes of the meeting may be considered for approval with his observations referred to at Para 7 of the said minutes.

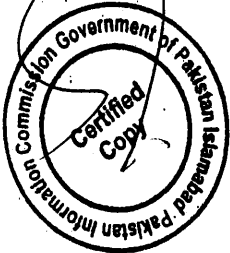
**Decision:**

The Board ratified the minutes of the 36<sup>th</sup> Meeting of PPRA Board with observations of Secretary Communications referred to at Para 7 of the minutes.

**Agenda Item 2: CREATION OF POSTS FOR ASSETS RECOVERY UNIT (ARU)**

4. MD PPRA presented the Agenda conveying that Cabinet Division has forwarded request of SAPM on Accountability / Chairman Asset Recovery Unit (ARU) wherein exemption from applicability of Public Procurement Rules, 2004 has been sought as a matter of urgency to assist ARU in the field work / forensic audit on the following:-

- i. Upto three positions of Legal Officers/ Researchers/Investigators (as per requirement) on contract basis (with law/ Finance/Investigation background and maximum lump sum salary of Rs. 175,000/- each per month)
- ii. A firm of Chartered accountants or sole practitioners to assist ARU in the field work/forensic audit for which Chairman ARU be delegated with full administrative and financial powers to hire the firm, on case to case basis dispensing with the PPRA Rules 2004 as a matter of urgency.



5. The Board thoroughly deliberated upon the requisite exemption in the light of PPRA Ordinance and rules. With regard to recruitment of three positions of legal officers / researchers/ Investigators (as per ARU requirement) it was observed that recruitment does not come under the purview of PPRA Ordinance, rules and regulations made thereunder and the subject of recruitment shall be referred to Establishment Division. Hence ARU may initiate the said recruitment process in consultation with Establishment Division.

6. With regard to hiring firm of Chartered Accountants/ sole practitioner it was highlighted that the requisite exemption entails three aspects: First being urgency of the matter, second instant procurement is National or International and third Case to Case basis implications if exemption is recommended by the PPRA Board. With regard to urgency, the Board observed that urgency needs further clarity as it is to be addressed by the procuring agency (ARU). It was resolved that Extreme Urgency has been referred to under rule 42 (d) (iii) of Public Procurement Rules, 2004. The Board emphasized that considering the urgency of the matter with regard to hiring of firm of chartered accountants or sole practitioners to assist ARU in the field work/forensic audit, ARU may resort to negotiated tendering by invoking rule 42(d) (iii) of Public Procurement Rules, 2004 subject to fulfilment of conditions mentioned thereunder.

7. The Board also observed that request of ARU needs further clarification whether the intended procurement is national or international and may have repercussions if a blanket exemption to it is recommended by the Board. On the aspect of instant exemption to be applied on case to case basis, the attention of the Board was invited on the views expressed by the then Learned Attorney General on an exemption case previously recommended by the PPRA Board. The relevant excerpt of the letter of learned Attorney General containing legal interpretation of the words "The Procurement" referred to under Section 21 of PPRA Ordinance, 2002 is as follows:-

*Section 21 of the PPRA Ordinance visualizes one time exemption from the operation of the PPRA Ordinance and the PPRA Rules. Exemption being the exception to the general rule, therefore the provision of section 21 is to be construed strictly. Section 21 read as follows:-*

*"The Authority may, for reasons to be recorded in writing, recommend to the Federal Government that the procurement of an object or class of objects in the national interest be exempted from the operation of this Ordinance or any rule or regulation made thereunder or any other law regulating public procurement and the Federal Government on such recommendations shall exempt the aforesaid objects or class of objects from the operation of the laws and rules and regulations made thereunder."*

*It can be seen that the word "procurement" is qualified with the word "the" denoting a particular and a specific procurement. The view is fortified from the fact that there is no provision in the law for the withdrawal of exemption so granted under section 21. It thus shows the clear intention of the legislature to restrict the exemption for one time procurement and not for all future procurement of any object or class of objects.*



*[Handwritten signature]*

*[Handwritten signature]*

The Board after thorough deliberations unanimously approved the following:-

**Decision:**

- i. The ARU may initiate recruitment against three position of Legal Officers/ Researchers/Investigators (as per requirement) in consultation with Establishment Division as it does not come under the purview of PPRA.
- ii. For hiring of firm of chartered accountants or sole practitioners to assist ARU in the field work/forensic audit, ARU may resort to negotiating tendering by invoking rule 42(d)(iii) of Public Procurement Rules, 2004 subject to fulfilment of conditions mentioned thereunder.

**Other Agenda: Introduction of Unsolicited Proposal through amendment in Public Procurement Rules, 2004**

9. MD PPRA presented the Agenda Item and apprised that several amendments in the existing Public Procurement Rules, 2004 have been recommended to the Federal Government by the PPRA Board including unsolicited proposal. The Board thoroughly discussed the difference between solicited and unsolicited proposals. The Board was apprised that unsolicited proposal is received without invitation to bid for a unique idea or approach which is consistent with the mission of the procuring agency. If the proposal is considered viable then the procuring agency shall advertise the proposal through open competitive bidding without disclosing the name of the initiator. In case prequalification is opted then the initiator of the proposal may be exempted from the prequalification.

10. The Chairman asked whether the subject has been adopted by Federal PPRA as compared to some provincial PPRAs who have already included the same. The Board was apprised that a new rule-53 regarding "unsolicited proposal" has been proposed as an addition to some other important amendments in the existing public Procurement Rules, 2004. However, the Board agreed that further improvements in the light of national/international practices and experience feedback may be made to cover all the modalities. After thorough deliberations the Board decided as under:-

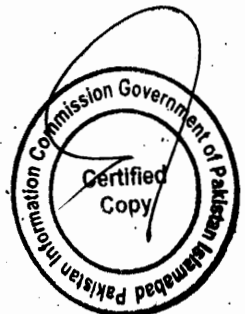
**Decision:**

The Board in Principal agreed to recommend to the Federal Government to incorporate the improved version of "unsolicited proposal" keeping in view the national/international practices and experience feedback, as an additional rule in the Public Procurement Rules, 2004 along with earlier recommended amendments.

11.

The meeting ended with a note of thanks to and from the Chair.

\*\*\*\*\*



52

Annex-IAttendance Sheet of 37<sup>th</sup> Meeting of the PPRA Board held on 1<sup>st</sup> April, 2019List of Participants

1.	Mr. Mohammad Younus Dagha Secretary Finance	Chairman
2.	Mr. Sholb Ahmad Siddiqui Secretary M/o Communication	Member
3.	Mr. Azher Ali Choudhary Secretary M/o Industries & Production	Member
4.	Mr. Irfan Ali Secretary M/o Energy	Member
5.	Mr. Muhammad Ashraf Secretary M/o Water Resources	Member
6.	Mr. Fida Muhammad Wazir Managing Director (PPRA)	Member / Secretary



Handwritten signature and initials.

To :

(1)	Secretary, Finance/Chairman PPRA Board, Islamabad.
(2)	Secretary, Ministry of Industries and Production, Islamabad. (Member Board)
(3)	Secretary, M/o Communications Islamabad. (Member Board)
(4)	Secretary, Ministry of Water Resources, Islamabad. (Member Board)
(5)	Secretary, Ministry of Energy (Power Division) Islamabad. (Member Board)
(6)	Secretary, Ministry of Housing & Works Islamabad. (Member Board)
(7)	Secretary, M/o Defence Production Division, Rawalpindi. (Member Board)
(8)	Secretary, Cabinet Division, (PAO) PPRA Islamabad.
(9)	Principal Secretary to Prime Minister (PSPM) PM Office, Islamabad.
(10)	Mirza Shahzad Akbar, Advisor to PM, Islamabad.

**Subject: Illegal Conversion of Posts from One Cadre to another by Misleading PPRA Board through Bogus Minutes Of 42<sup>nd</sup> PPRA BOD's Meeting Held on 14.09.2020**

1. On directions of the Hon'ble Supreme Court (Annex-A) and after due consultation/ approval process with Establishment Division, Law and Justice Division, Cabinet Division, Finance Division; PPRA had notified Service Regulations (2017) as a statutory requirement. Various cadres, posts were defined in said Service Regulations along with qualification/experience of each post, quota and promotion/initial appointment etc.
2. The undersigned, being a distinguished PhD, had applied and selected against the post of Deputy Director (Research) in IT & Research Wing of PPRA on merit through transparent selection process. Later on, being a victim of harassment by Mr. Zubair, DG (M&E), I filed a complaint in Federal Ombudsman for Protection against Harassment vide No.241/2019 which is pending adjudication. Mr. Zubair, DG (M&E) threatened me to withdraw the complaint or else my service will be terminated. Upon my refusal to do so he managed to terminate my service on 17.04.2020 during probation period without the approval of PPRA Board
3. Subsequently, I approached the Hon'ble Islamabad High Court vide WP-1391/2019 which is also pending adjudication. In the meantime Mr. Zubair, DG (M&E) has managed to convert my post and my promotion channel post i.e. D.D (Research), Director (Research) to D.D (M&E), Director (M&E) respectively along with qualification /experience by misleading PPRA Board and against PPRA Service Regulations.
4. All this was done through manipulations of minutes of 42<sup>nd</sup> PPRA BOD's meeting held on 14.09.2020. It is pertinent to mention that conversion of posts from one cadre to another and change in qualification/experience of the posts was not on the agenda or working paper of 42<sup>nd</sup> PPRA BOD's meeting at all. The fact is that the matter of conversion of posts was not even discussed in the meeting HOWEVER was added into the minutes by Mr. Zubair, DG (M&E).
5. This is not the first time that the minutes were manipulated, Mr. Zubair, DG (M&E) is habitual of such acts of forgery and done the same in pervious PPRA Board minutes too. The Secretary Finance Division/Chairman PPRA Board vide letter dated 24-03-2020 (Annex-B) has also showed grave concern over inclusion of non-agenda, non-discussed items in minutes of 41<sup>st</sup> BOD's meeting and directed the MD, PPRA to fix the responsibility, thereof.

Revised  
31/12/20

- 64 -

6. Similarly, Secretary, Cabinet vide letter dated 16.10.2020 directed the MD to place and probe the matter of forgery done in the minutes of the 37<sup>th</sup> PPRA Board Meeting dated 01.04.2019 in the special PPRA Board meeting. (Annex-C)

7. In the light of above facts, it is respectfully prayed that:-

- a) To declare the conversion of applicant's Deputy Director (Research) and Promotion Post of Director (Research) into Deputy Director (M&E) and Director (M&E) illegal, unlawful void ab initio, being maliciously included in Minutes of Meeting, WHICH otherwise would have required due process of consultation of PPRA Employees, Establishment Division, Cabinet Division, Law and Justice Division and approval of PPRA Board.
- b) Direct the Managing Director (PPRA) to not to advertise the applicant's Post and cancel the recruitment process forthwith.
- c) Inquiry may be ordered on preparation of Bogus/forged Minutes and inclusion of Non-Agenda items and Non-Discussed Items into Minutes of 37<sup>th</sup> & 41<sup>st</sup> & 42<sup>nd</sup> PPRA BOD's Meetings.
- d) A Criminal and Misconduct Proceedings may be initiated against the officers involved in forgery/perjury.

Rahila 31/12/20

(Dr. Rahila Yousuf)  
Ex-Director (Research) PPRA  
0300-9880539

1 - 34-

Government of Pakistan  
Public Procurement Regulatory Authority  
(Cabinet Division)  
\*\*\*\*\*

**MINUTES OF 37<sup>TH</sup> MEETING OF THE PUBLIC PROCUREMENT REGULATORY AUTHORITY  
BOARD HELD ON 1<sup>ST</sup> APRIL, 2019**

The 37<sup>th</sup> meeting of the PPRA Board was held on 1<sup>st</sup> April, 2019 at 1430 hours in Finance Division, under the Chairmanship of the Finance Secretary i.e. Chairman PPRA Board. List of the participants is attached at Annex-I.

2. After welcoming the Board Members, the Chair invited Managing Director, PPRA to present the agenda items. The items, brief discussions thereon are given in the following paragraphs:

**Agenda Item 1: CONFORMATION OF 36<sup>TH</sup> MEETING OF THE PPRA BOARD**


3. MD PPRA presented the Agenda Item that 36<sup>th</sup> Meeting of the PPRA Board was held on 7<sup>th</sup> February, 2019 and the Board unanimously approved the proposed amendments in S.R.O. 719(I)/2011. However, Secretary Communications showed reservation on the words "Unanimous approval" and apprised that the minutes of the meeting may be considered for approval with his observations referred to at Para 7 of the said minutes.

**Decision:**

The Board ratified the minutes of the 36<sup>th</sup> Meeting of PPRA Board with observations of Secretary Communications referred to at Para 7 of the minutes.

**Agenda Item 2: CREATION OF POSTS FOR ASSETS RECOVERY UNIT (ARU)**

4. MD PPRA presented the Agenda conveying that Cabinet Division has forwarded request of SAPM on Accountability / Chairman Asset Recovery Unit (ARU) wherein exemption from applicability of Public Procurement Rules, 2004 has been sought as a matter of urgency to assist ARU in the field work / forensic audit on the following:-

- 
- i. Upto three positions of Legal Officers/ Researchers/Investigators (as per requirement) on contract basis (with law/ Finance/Investigation background and maximum lump sum salary of Rs. 175,000/- each per month)
  - ii. A firm of Chartered accountants or sole practitioners to assist ARU in the  
• field work/forensic audit for which Chairman ARU be delegated with full administrative and financial powers to hire the firm, on case to case basis dispensing with the PPRA Rules 2004 as a matter of urgency.



SS

5. The Board thoroughly deliberated upon the requisite exemption in the light of PPRA Ordinance and rules. With regard to recruitment of three positions of legal officers / researchers/ Investigators (as per ARU requirement) it was observed that recruitment does not come under the purview of PPRA Ordinance, rules and regulations made thereunder and the subject of recruitment shall be referred to Establishment Division. Hence ARU may initiate the said recruitment process in consultation with Establishment Division.

6. With regard to hiring firm of Chartered Accountants/ sole practitioner it was highlighted that the requisite exemption entails three aspects. First being urgency of the matter, second instant procurement is National or International and third Case to Case basis implications if exemption is recommended by the PPRA Board. With regard to urgency, the Board observed that urgency needs further clarity as it is to be addressed by the procuring agency (ARU). It was resolved that Extreme Urgency has been referred to under rule 42 (d) (iii) of Public Procurement Rules, 2004. The Board emphasized that considering the urgency of the matter with regard to hiring of firm of chartered accountants or sole practitioners to assist ARU in the field work/forensic audit, ARU may resort to negotiated tendering by invoking rule 42(d) (iii) of Public Procurement Rules, 2004 subject to fulfilment of conditions mentioned thereunder.

7. The Board also observed that request of ARU needs further clarification whether the intended procurement is national or International and may have repercussions if a blanket exemption to it is recommended by the Board. On the aspect of instant exemption to be applied on case to case basis, the attention of the Board was invited on the views expressed by the then Learned Attorney General on an exemption case previously recommended by the PPRA Board. The relevant excerpt of the letter of learned Attorney General containing legal interpretation of the words "The Procurement" referred to under Section 21 of PPRA Ordinance, 2002 is as follows:-

*Section 21 of the PPRA Ordinance visualizes one time exemption from the operation of the PPRA Ordinance and the PPRA Rules. Exemption being the exception to the general rule, therefore the provision of section 21 is to be construed strictly. Section 21 read as follows:-*

*"The Authority may, for reasons to be recorded in writing, recommend to the Federal Government that the procurement of an object or class of objects in the national interest be exempted from the operation of this Ordinance or any rule or regulation made thereunder or any other law regulating public procurement and the Federal Government on such recommendations shall exempt the aforesaid objects or class of objects from the operation of the laws and rules and regulations made thereunder."*

*It can be seen that the word "procurement" is qualified with the word "the" denoting a particular and a specific procurement. The view is fortified from the fact that there is no provision in the law for the withdrawal of exemption so granted under section 21. It thus shows the clear intention of the legislature to restrict the exemption for one time procurement and not for all future procurement of any object or class of objects.*





S6

8.  
following:-

The Board after thorough deliberations unanimously approved the

**Decision:**

- i. The ARU may initiate recruitment against three position of Legal Officers/ Researchers/Investigators (as per requirement) in consultation with Establishment Division as it does not come under the purview of PPRA.
- ii. For hiring of firm of chartered accountants or sole practitioners to assist ARU in the field work/forensic audit, ARU may resort to negotiating tendering by invoking rule 42(d)(iii) of Public Procurement Rules, 2004 subject to fulfilment of conditions mentioned thereunder.

Other Agenda (a): Introduction of Unsolicited Proposal through amendment in Public Procurement Rules, 2004

9. MD PPRA presented the Agenda Item and apprised that several amendments in the existing Public Procurement Rules, 2004 have been recommended to the Federal Government by the PPRA Board including unsolicited proposal. The Board thoroughly discussed the difference between solicited and unsolicited proposals. The Board was apprised that unsolicited proposal is received without invitation to bid for a unique idea or approach which is consistent with the mission of the procuring agency. If the proposal is considered viable then the procuring agency shall advertise the proposal through open competitive bidding without disclosing the name of the initiator. In case prequalification is opted then the initiator of the proposal may be exempted from the prequalification.

10. The Chairman asked whether the subject has been adopted by Federal PPRA as compared to some provincial PPRA who have already included the same. The Board was apprised that a new rule-53 regarding "unsolicited proposal" has been proposed as an addition to some other important amendments in the existing public Procurement Rules, 2004. However, the Board agreed that further improvements in the light of national/international practices and experience feedback may be made to cover all the modalities. After thorough deliberations the Board decided as under:-

**Decision:**



The Board in Principal agreed to recommend to the Federal Government to incorporate the improved version of "unsolicited proposal" keeping in view the national/international practices and experience feedback, as an additional rule in the Public Procurement Rules, 2004 along with earlier recommended amendments.

57

Other Agenda (b): PROBATION OF EMPLOYEES OF THE AUTHORITY

11. MD PPRA presented the Agenda Item in connection with appointment related matters and apprised that Fifty Two (52) employees joined PPRA in pursuance of the decisions of various Writ Petitions against which I.C.A. filed by the Authority is pending adjudication. However, these employees are serving the initial probationary period of one year which is about to be exhausted. The Board deliberated that the court cases of PPRA should be fully defended in the relevant court of law being important in nature. It was apprised that the Board may like to consider delegation of appropriate powers to MD PPRA to decide appointment related issues as well as of probation including confirmation, extension of probation and termination of service, court matters etc. of the newly recruited employees. After thorough deliberations, the Board decided as under;


**Decision**



The Board delegated all the powers to Managing Director regarding decision on the appointment related issues as well as of probation including confirmation, extension of probation and termination of service, relevant court matters, as the case may be, and authorized him to decide accordingly being Competent Authority and the only full time Member of the PPRA Board.

12. The meeting ended with a note of thanks to and from the Chair.

\*\*\*\*\*

Annex-IAttendance Sheet of 37<sup>th</sup> Meeting of the PPRA Board held on 1<sup>st</sup> April, 2019List of Participants

1.	Mr. Mohammad Younus Dagha Secretary Finance	Chairman
2.	Mr. Shoib Ahmad Siddiqui Secretary M/o Communication	Member
3.	Mr. Azher Ali Choudhary Secretary M/o Industries & Production	Member
4.	Mr. Irfan Ali Secretary M/o Energy	Member
5.	Mr. Muhammad Ashraf Secretary M/o Water Resources	Member
6.	Mr. Fida Muhammad Wazir Managing Director (PPRA)	Member / Secretary

محترم جناب ڈائریکٹر FIA، اسلام آباد، لندن، اسلام آباد  
درخواست برائے فرمائے جانے انکوائری و انکوائری مقدمہ عدالت  
471,468,484,419,209,200,38

جناب عالی!

درج ذیل  
07/09/2021  
07/09/2021

گزارش ہے کہ درخواست گزار انکوائری نمبر FIA/ACC/RE-41/2021/1054 مورخہ 07.08.2021 کی اصل عہدہ ہے جس کی درخواست پر پاکستان انکوائری کمیشن (PIC) نے مورخہ 13.01.2021 کو فیصلہ کرتے ہوئے ڈائریکٹر جنرل FIA صاحب کو تعمیلی تفتیش کے لیے تحریر کیا۔ PIC نے اپنے حلقہ قانون کی دہلیات کی خلاف ورزی کی نشاندہی کی۔ مگر مکمل انکوائری و تفتیش کے لیے مزید حقائق و قانون کو آگیا جا رہا ہے کہ درخواست گزار کی پیگ پر ویکور منٹ ریکورڈ لیری اتھارٹی میں مورخہ 02.01.2018 کو بطور ڈائریکٹر جنرل (HR) بھرتی کی مکتوری ہوئی ٹیگ ڈائریکٹر (MD) نے Appointment letter روک لیا۔ جس پر درخواست گزار اور دیگر افراد نے اسلام آباد ہائی کورٹ سے رجوع کیا اور اس وقت کے MD نذام احمد وزیر نے ہائی کورٹ کے حکم کے آگے وقتی طور پر سر جھکا کر تعیناتی کا پروانہ جاری کر دیا۔ جس کی بناء پر مورخہ 20.08.2018 کو درخواست گزار نے بطور ڈائریکٹر جنرل چارج سنبھال لیا اور کبھی کسی شکایات یا انکوائری کا موقع نہیں دیا۔ نذام احمد وزیر نے ہائی کورٹ سے آرڈر حاصل کرنے کی وجہ سے درخواست گزار اور دیگر محضروں سے غرض تھا۔ اس نے مورخہ 01.04.2019 کو مستعفی ہونے والی 37 PRA کے تحت (b) 11 کا احادیث کر کے خود کو ہماز اتھارٹی بنا کر مورخہ 17.05.2019 کو سبھی تفریق کا خاتمہ کرنے کے لیے اپنے اپنے حلقہ قانون کی اتھارٹی ڈائریکٹر (HR) سے پروانہ جاری کر دیا۔ جس کے خلاف آج تک عدالتوں میں احتجاج جاری ہے۔ برخواستگی حکم کے بعد درخواست گزار اور دیگر حاضریں نے جعلی اختیار کی بناء پر اختیار استعمال کرنے کا زبانی اور تحریری احتجاج بہت ساری جگہوں پر کیا تو اس سے اپنی جملہ سازی کو چھپانے کے لیے مورخہ 25.11.2019 کو مستعفی ہونے والی 39 بورڈ میٹنگ میں ملی بھگت کرتے ہوئے اپنے مطلب کی مہارت لکھوا کر 37 بورڈ میٹنگ میں MD کو ہماز اتھارٹی کے طور پر اختیار استعمال کرنے کا ذکر کرایا۔ جبکہ 38 ویں بورڈ میٹنگ مستعفی 22.04.2019 کے وقت اس کو کوئی غلط نہ تھا اور نہ ہی اس وقت تک ادارے خلاف حکم برخواستگی جاری ہوا تھا۔ نذام احمد وزیر نے ہائی کورٹ میں بے عزتی کا بدلہ لینے کے لیے بورڈ کی بجائے اپنے آپ کو ہماز اتھارٹی بنا کر دھوکہ دی سے مجھ سمیت دیگر محضروں کو قانع کیا۔ اس جعلی اختیار کے کاغذات کو اپنے مذموم ارادوں کی جھیل کے لیے اصل کے طور پر بہت جگہوں پر پیش کیا۔ جس میں ہائی کورٹ بھی شامل ہے دفتری ریکارڈ میں مدد بدل بدلتی سے کیا اور جانتے بوجھے ہوئے اپنے جعلی اختیار کو اصل بنا کر پیش کرتا رہا۔ جو بلاخر (PIC) رپورٹ مورخہ 13.01.2021 میں بے نقاب ہوئی ضروری کاغذات ملت ہیں۔ برائے رجسٹر آئی ہیں کارروائی کی جائے۔

العارف

صائرہ عظیم دختر علیہ السلام

مکان نمبر 894 سرائے اسلام آباد 10/2، اسلام آباد

شخصی کارڈ نمبر B1101-1912304

موبائل نمبر 0321-3300323

# بخدمت جناب DG-FIA صاحب ، اسلام آباد

﴿درخواست برائے اندراج مقدمہ زیر دفعہ 35,200,471,468,468,419,209﴾

جناب عالی!

(۱) گزارش ہے کہ درخواست گزر کی کیبنٹ ڈویژن کے ماتحت ادارے P P R A میں بطور DG(IT&R) مورخہ 02-01-2018 کو منظوری ہوئی اس وقت MD-PPRA نے Appointment Letter روک لیا۔ جس پر درخواست گزار اور دیگر افراد نے ہائی کورٹ سے رجوع کیا تو اس نے وقتی طور پر سر جھکا کر Appointment Letters جاری کر دیے۔ جس کی بناء پر مورخہ 28-05-2021 کو درخواست گزرنے بطور DG(IT&R) چارج سنبھال لیا۔ فدا محمد وزیر MD کو ہائی کورٹ نے ذاتی طور پر بلانے اور Letters جاری کرنے کا غصہ تھا۔ جس کو اس نے اپنی ذاتی آنا کا مسئلہ بنا دیا۔ اس وجہ سے فدا محمد وزیر شروع دن سے درخواست گزار اور دیگر پیٹیشنرز سے ناخوش تھا۔ اس نے مورخہ 01-04-2019 کو منعقد ہونے والی PPRA-37 بورڈ میٹنگ میں پیرا (b) کا اضافہ کرنا خود کو مجاز اتھارٹی بنا کر مورخہ 17-05-2019 کو میری نوکری کا خاتمہ کرنے کے لیے اپنے ماتحت مسمیٰ علی تیمور ڈپٹی ڈائریکٹر (HR) سے پروانہ جاری کروا دیا۔ جس کے خلاف آج تک عدالتوں میں احتجاج جاری ہے۔ برخاستگی حکم کے بعد درخواست گزار اور دیگر متاثرین نے جعلی اختیار کی بناء پر اختیار استعمال کرنے کا زبانی اور تحریری احتجاج بہت ساری جگہوں پر کیا تو اس نے اپنی جلسازی کو چھپانے کے لیے مورخہ 25-11-2019 کو منعقد ہونے والی 39 بورڈ میٹنگ میں ملی بھگت کرتے ہوئے اپنے مطلب کی عبارت لکھوا کر 37 بورڈ میٹنگ میں MD کو مجاز اتھارٹی کے طور پر اختیار کرنے کا ذکر کر لیا جبکہ 38th بورڈ میٹنگ منعقدہ 22-04-2019 کے وقت اس کو کوئی خطرہ نہ تھا اور نہ ہی اس وقت تک ہمارے خلاف حکم برخاستگی جاری ہوا تھا۔ فدا محمد وزیر نے ہائی کورٹ میں بے عزتی کا بدلہ لینے کے لیے بورڈ کی بجائے اپنے آپ کو مجاز اتھارٹی بنا کر دھوکہ دہی سے مجھ سمیت دیگر پیٹیشنرز کو فارغ کیا۔ اس جعلی اختیار کے کاغذات کو اپنے مذموم ارادوں کی تکمیل کے لیے اصلی کے طور پر بہت جگہوں پر پیش کیا۔ جس میں ہائی کورٹ بھی شامل ہے۔ دفتری ریکارڈ میں رد و بدل بدیہتی سے کیا اور جانتے بوجھتے ہوئے اپنے جعلی اختیار کو اصلی بنا کر پیش کرتا رہا۔ جو بالآخر (PIC) رپورٹ مورخہ 13-01-2021 میں بے نقاب ہوئی۔

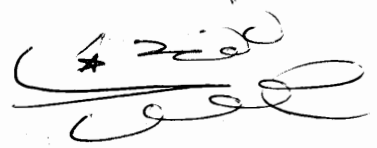
(۲) Chairman PPRA Board / سیکریٹری فنانس ڈویژن نے مورخہ 24-03-2020 کو MD-PPRA کو خود لیٹر کے ذریعے نشاندہی کی کہ مورخہ 13-03-2020 کو منعقدہ 41st بورڈ کی Meeting کے بعد Chairman PPRA کے آفس میں بھیجے گئے Minutes میں Non Agenda Items/Non Discussed کو شامل کیا گیا ہے لہذا ذمہ داران کے خلاف کارروائی کی جائے جو کہ اب تک نہیں کی گئی۔ اسی طرح محمد زبیر موجود DG(M&E) نے بورڈ کے ممبران اور MD کے خلاف مورخہ 09-07-2020 کو WP No.1819/2020 دائر کی جس میں Para No.8 پر Highlight کیا گیا کہ Board کی مختلف Meetings میں Irregularities/Illegalities ہوتی ہیں۔ سیکریٹری کیبنٹ ڈویژن نے مورخہ 06-08-2020 اور مورخہ 16-10-2020 کو MD (PPRA) کو لیٹرز لکھے کہ بورڈ کی اسپیشل میٹنگ میں 37th بورڈ میٹنگ کے کاغذات میں Forgery والے معاملے کو رکھا جائے جس پر اب تک کوئی کارروائی نہیں ہوئی۔ PPRA کی سابقہ Ph.D

ڈگری ہولڈر (BS-18) Female آفیسر نے مورخہ 31-12-2020 کو لیٹر کے ذریعے بورڈ کے ممبران کو مطلع کیا کہ Agenda Item کا Change in Qualifications & Experience اور Conversion of Posts Working Paper مورخہ 14-09-2020 کو منعقدہ 42nd بورڈ میٹنگ میں نہ شامل تھا اور نہ ہی Discuss ہوا تھا۔ محمد زبیر DG (M&E) اور علی تیمور وغیرہ نے یہ Agenda Item غیر قانونی طریقے سے Bogus/Fake Minutes بنا کر چیئر مین بورڈ کو Approval/Signature کے لیے بھیجا ہے اسی درخواست پر بھی تاحال کوئی کارروائی نہیں ہوئی ہے۔ کیبنٹ ڈویژن اور PPRA کے افسران نے مورخہ 15-04-2019 اور مورخہ 10-04-2019 اور مورخہ 17-04-2019 کو لیٹرز کے ذریعے 37th بورڈ میٹنگ کے Minutes مختلف فیڈرل گورنمنٹ کی میٹنگز کیلئے بھی بھیجے ہوئے ہیں۔

(۳) پاکستان انفارمیشن کمیشن (PIC) کی مورخہ 13-01-2021 کی رپورٹ میں یہ Establish ہو چکا ہے کہ PPRA کے 37th بورڈ کی میٹنگ کے Minutes میں Para 11(b) جعلی ابوگس ہے۔ درخواست گزار نے PIC کی مورخہ 13-01-2021 کی رپورٹ کی روشنی میں CM Ind No. 3571/2021 مورخہ 01-09-2021 کو ہائی کورٹ دائر کی ہوئی ہے جس کی اگلی تاریخ 29-11-2021 ہے۔ PIC کی Appeal No. 455-08-2020 کی Appellant مس صائمہ تسنیم نے بھی مورخہ 06-09-2021 کو Director (FIA) کو درخواست دی ہوئی ہے جو کہ انکوائری نمبر FIA/Acc/RE-41/1054 کے ذریعے مس ماہ رخ (SI) کے پاس Pending ہے۔

(۴) درج بالا حقائق کی روشنی میں مہربانی فرما کر FIR درج کے کے ذمہ داران کے خلاف قانونی کارروائی کے ذریعے سخت سے سخت سزا دلوائی جائے۔ درخواست ہذا کے ساتھ لف Index کے مطابق تمام متعلقہ کاغذات منسلک ہیں۔

الـ



**محمد عرفان رفیق**

Ex-DG(IT&R)

مکان نمبر DK-956 ڈھوک پراچہ سیٹلائٹ ٹاؤن راولپنڈی

فون نمبر 0300-0547001

﴿درخواست برائے اندراج مقدمہ زیر دفعہ 35,200,471,468,468,419,209﴾

### جناب عالی!

(۱) درخواست گزار کی کیبنٹ ڈویژن کے ماتحت ادارے PPRA میں مورخہ 02-01-2018 کو بطور DD (Research) بھرتی کی منظوری ہوئی۔ MD-PPRA نے Appointment Letters روک لیا۔ جس پر درخواست گزار اور دیگر افراد نے اسلام آباد ہائی کورٹ سے رجوع کیا۔ اس وقت فدا محمد وزیر MD نے ہائی کورٹ آرڈر کی وجہ سے مورخہ 09-07-2018 کو Appointment Letter جاری کر دیا جس پر درخواست گزار نے مورخہ 16-07-2018 کو DD (Research) کی پوسٹ کا چارج سنبھال لیا۔ فدا محمد وزیر MD شروع دن سے تمام پیپٹیشنرز سے ناخوش/خلاف تھا۔ کیونکہ کورٹ کے In Person بلانے پر اس نے اپنی بے عزتی محسوس کی۔ جسکی وجہ سے فدا محمد وزیر MD دوسرے افسران بشمول محمد زبیر اور علی تیمور کے ذریعے دفتری امور میں Hurdle Create کرنا شروع کر دیا جس کی نشاندہی 2 سینئر افسران DGs نے اسلام آباد ہائی کورٹ میں 2 کیسز WP No. 4176/2018 اور WP No. 4484/2018 دائر کر کے کی۔ اس نے مورخہ 01-04-2019 کو منعقد ہونے والی PPRA-37 بورڈ میٹنگ میں حیرا (b) کا اضافہ کرا کر خود کو مجاز اتھارٹی بنا کر مورخہ 17-04-2019 کو میری نوکری کا خاتمہ کرنے کے لیے اپنے ماتحت مسکی علی تیمور ڈپٹی ڈائریکٹر (HR) سے پروانہ جاری کروا دیا۔ جس کے خلاف آج تک عدالتوں میں احتجاج جاری ہے۔ برخاستگی حکم کے بعد درخواست گزار اور دیگر متاثرین نے جعلی اختیار کی بناء پر اختیار استعمال کرنے کا زبانی اور تحریری احتجاج بہت ساری جگہوں پر کیا تو اس نے اپنی جلسا سازی کو چھپانے کے لیے مورخہ 25-11-2019 کو منعقد ہونے والی 39 بورڈ میٹنگ میں ملی بھگت کرتے ہوئے اپنے مطلب کی عبارت لکھوا کر 37 بورڈ میٹنگ میں MD کو مجاز اتھارٹی کے طور پر اختیار کرنے کا ذکر کرا لیا جبکہ 38 دین بورڈ میٹنگ منعقدہ 22-04-2019 کے وقت اس کو کوئی خطرہ نہ تھا اور نہ ہی اس وقت تک ہمارے خلاف حکم برخاستگی جاری ہوا تھا۔ فدا محمد وزیر نے ہائی کورٹ میں بے عزتی کا بدلہ لینے کے لیے بورڈ کی بجائے اپنے آپ کو مجاز اتھارٹی بنا کر دھوکہ دہی سے مجھ سمیت دیگر پیپٹیشنرز کو فارغ کیا۔ اس جعلی اختیار کے کاغذات کو اپنے مذموم ارادوں کی تکمیل کے لیے اصلی کے طور پر بہت جگہوں پر پیش کیا۔ جس میں ہائی کورٹ بھی شامل ہے۔ دفتری ریکارڈ میں رد و بدل بدعتی سے کیا اور جانے بوجھے ہوئے اپنے جعلی اختیار کو اصلی بنا کر پیش کرتا رہا۔ جو بالآخر (PIC) رپورٹ مورخہ 13-01-2021 میں بے نقاب ہوئی۔

(۲) ایک حاضر سرورس DD (IT) آفیسر نے مورخہ 08-07-2021 کو Affidavit کے ذریعے بتایا کہ علی تیمور، محمد خورشید اور محمد زبیر نے PPRA میں ایک گینگ بنایا ہوا ہے جو کہ مختلف ملازمین کو Harrased کرتا ہے۔ علی تیمور ایک Project Staff ہے اسکی Appointment/Promotion/Regulization غیر قانونی طریقے سے روڑ کے خلاف PPRA میں ہوئی۔ جس پر اسکے خلاف Audit Para بھی بنا ہوا ہے جو ابھی تک Non-Settle ہے۔ اسکی Appointment/Promotion/Regulization کے خلاف ہائی کورٹ میں 2 کیسز نمبر WP No. 2512/2020 اور WP No. 4367/2019 دائر ہیں۔ محمد زبیر اور محمد خورشید کی تعیناتی بھی WP No. 2498/2019 اور WP No. 2410/2019 کے ذریعے ہائی کورٹ اسلام آباد میں Challenged ہے۔ ان تینوں نے MD اور بورڈ ممبرز کے خلاف WP No. 1819/2020 دائر کر رکھی ہے تاکہ MD اور بورڈ انکے خلاف ایکشن نہ لے سکے۔ علی تیمور نے



15-07-2019 کے بعد فدا محمد وزیر MD اور حافظ عرفات احمد چوہدری ایڈووکیٹ کے ذریعے ہائی کورٹ میں WP No. 2410/2019 اور No.2498/2019 میں مورخہ 16-10-2017 کا لیٹر Submit کیا ہوا ہے اور اس مورخہ 16-10-2017 کے لیٹر کے خلاف مورخہ 09-11-2021 کو چیئر مین PPRA، سیکریٹری کیبنٹ اور دوسرے بورڈ کے ممبران کو Representations دائر ہو چکی ہیں جس پر کارروائی ہونا باقی ہے۔ علی تیمور کو ہائی کورٹ کے حکم پر انکوائری کے بعد دفتری ریکارڈ کے Leak ہونے پر وارننگ لیٹر مورخہ 28-05-2021 کو جاری ہوا ہے۔ PPRA کی 37th بورڈ میٹنگ کے کاغذات کے Fake/Bogus ہونے کے متعلق مزید حقائق اسلام آباد ہائی کورٹ کی WP No.1351/2021 اور WP No. 1352/2021 میں تفصیل سے بیان کیے گئے ہیں۔

(۳) پاکستان انفارمیشن کمیشن (PIC) کی مورخہ 13-01-2021 کی رپورٹ میں یہ Establish ہو چکا ہے کہ PPRA کے 37th بورڈ میٹنگ کے Minutes میں Para 11(b) جعلی/ابوگس ہے۔ درخواست گزار نے PIC کی مورخہ 13-01-2021 کی رپورٹ کی روشنی میں WP No. 2991/2021 مورخہ 24-08-2021 کو ہائی کورٹ میں دائر کی ہوئی ہے جس کی اگلی تاریخ 29-11-2021 ہے۔ PIC کی Appeal No.455-08-2020 کی Appellant مس صائمہ تنسیم نے بھی مورخہ 06-09-2021 کو Director (FIA) کو درخواست دی ہوئی ہے جو کہ انکوائری نمبر FIA/Acc/RE-41/1054 کے ذریعے مئی 2021 (SI) کے پاس Pending ہے۔

(۴) درج بالا حقائق کی روشنی میں مہربانی فرما کر FIR درج کے ذمہ داران کے خلاف قانونی کارروائی کر کے سخت سے سخت سزا دلوائی جائے۔ درخواست ہذا کے ساتھ لف Index کے مطابق تمام متعلقہ کاغذات منسلک ہیں۔

ارض

Rahile

ڈاکٹر راحیلہ یوسف

Ex-DD(Research PPRA)

مکان نمبر 212، گلی نمبر 12، نزد بلائیڈ سوشل سکولز فار گرلز، ٹمس آباد راولپنڈی

فون نمبر: 0300-9880539



122

**ORDER SHEET**  
**IN THE ISLAMABAD HIGH COURT, ISLAMABAD**  
**JUDICIAL DEPARTMENT**

**W.P.No.1819/2020**  
**Engineer Muhammad Zubair**  
**Versus.**  
**Federation of Pakistan and others**

S. No. of order / proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	09.07.2020	Hafiz Arfat Ahmed Ch, Ms. Kashifa Niaz Awan and Mr. Tariq Zaman Ch., advocates for the petitioner.

Through the instant writ petition, the petitioner, Engineer Muhammad Zubair, seeks *inter-alia* a direction to respondent No.10 (Cabinet Division) to initiate the process for the appointment of the Managing Director of Public Procurement Regulatory Authority ("P.P.R.A.") in terms of section 8 of the P.P.R.A. Ordinance, 2002.

Learned counsel for the petitioner submitted that ever since 17.04.2010, the post of the Managing Director, P.P.R.A. has been lying vacant but till date, no process whatsoever has been initiated for the appointment against the said post; and that it is imperative that a competitive process ought to be initiated so that the appointment of Managing Director, P.P.R.A. takes place.

Issue notice to the respondents with the direction to file their report and para-wise comments within a period of two weeks.

Relist thereafter. Respondent No.10 is directed to depute an officer well conversant with the subject matter of the instant petition to attend the Court on the next date of hearing and explain as to why a competitive process for the appointment of Managing Director, P.P.R.A. has not been initiated.

Certified to be True Copy

13 JUL 2020

Examiner  
Copy Supply Section  
Authorised Under Order No. 67 of  
Qanun-e-Mahallat Qanoon 1986  
Islamabad High Court  
Islamabad

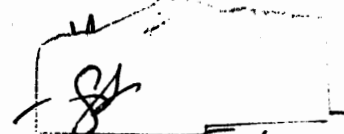
123

C.M. No.01/2020

Exemption sought for is allowed, subject to  
all just and legal exceptions.

C.M. No.02/2020

Notice.



(MIANGUL HASSAN AURANGZEB)  
JUDGE

\*Sanullah\*

Certified to Be True Copy

13 JUL 2020

Examiner  
Copy Supply Section  
Authorised Under article-87 of  
Qanoon-e-Shahadat Order 1984  
Islamabad High Court  
Islamabad

124

**BEFORE THE HONOURABLE ISLAMABAD HIGH COURT.**  
**ISLAMABAD**

Writ. Petition. No. 1819 /2020

42 M. Abu Bakr Siddique  
STAMP VENDOR  
G-10, Islamabad

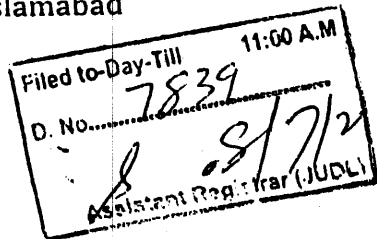
POT Private Use

13 JUL 2020

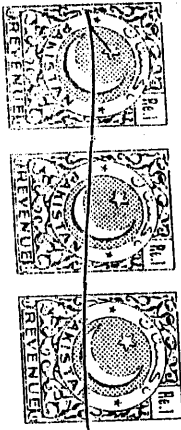
Examiner  
Copy Supply Section  
Islamabad High Court

Engineer Muhammad Zubair, Director General (Monitoring & Evaluation) Public Procurement Regulatory Authority (PPRA) G-5/2 Islamabad

.....Petitioner



**Versus**

- 
1. Federation of Pakistan through Secretary Ministry of Law and Justice, Pak Secretariat Islamabad
  2. PPRA Board through Secretary Finance as Chairperson PPRA Board, Q-Block, Pak Secretariat, Islamabad
  3. Secretary, Finance Division, Q-Block Pak Secretariat Islamabad
  4. Secretary, Ministry of Industries & Production, as Member PPRA Board, A Block First Floor Pak Secretariat, Islamabad
  5. Secretary, Ministry of Defence Production as Member PPRA Board, Adam Jee Road Rawalpindi Cantt, Rawalpindi
  6. Secretary, Ministry Energy, Power Division as Member, PPRA Board, A-Block Pak-Secretariat Islamabad
  7. Secretary, Ministry of Water Resources, as Member PPRA Board, Opposite NEPRA Office G-5 Islamabad
  8. Secretary, Ministry of Housing & Works, as Member, PPRA Board, B-Block Pak-Secretariat Islamabad

2  
125  
9. Secretary, Ministry of Communications, as Member, PPRA Board, B-Block Pak-Secretariat Islamabad

10. Cabinet Division through its Secretariat Cabinet Secretariat Islamabad

11. Dr. Arshad Mahmood, Additional Finance Secretary (Expenditure), Finance Division Q-Block, Pak Secretariat, Islamabad

12. Finance Division through its Secretary, Q-Block Pak Secretariat Islamabad

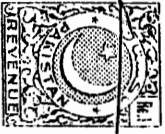
13. Public Procurement Regulatory Authority (PPRA) Sector G-5/2 Islamabad

Ans 14- Establishment Division through its Secretary.....Respondents

---

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF  
ISLAMIC REPUBLIC OF PAKISTAN 1973

---



Respectfully Sheweth:-

1. That the addresses of parties have been correctly mentioned in the memo of parties and the same are sufficient for the purposes of process to be issued by this Honorable Court.

Certified to Be True Copy

13 JUL 2020  
Examiner  
Copy Supply Section  
Authorised Under a  
Qanoon-e-Shahadat Order 1984  
Islamabad High Court  
Islamabad

2. That the Petitioner is currently working as Director General (Monitoring & Evaluation) in Public Procurement Regulatory Authority (hereinafter referred to as "PPRA"). The qualification of the Petitioner BS Civil Engineering (from UET Lahore), MS Structural Engineering (from NUST Islamabad), Post Graduate Diploma in Nuclear (Electric) Power Plant Technology (Performance Gold Medalist), Fellowship of Nuclear Safety from China (National Nuclear Safety Administration & Shanghai Environmental Protection Agency) and Law Graduation with

Government of Pakistan  
Ministry of Industries & Production

(Islamabad, the 21<sup>st</sup> January, 2021)

Subject: IRREGULARITIES IN MANAGERIAL AFFAIRS OF PUBLIC  
PROCUREMENT REGULATORY AUTHORITY (PPRA)

Dear

I would like to draw your attention to the fact that as a member of Public Procurement Regulatory Authority (PPRA) Board, I am in receipt of multiple applications (copy enclosed) alleging therein the following anomalies in the management and functioning of PPRA:

- I. Inclusion of non-discussed agenda items in the minutes of meetings of PPRA Board. In this regard, the Secretary, Finance Division, as Chairman, PPRA Board, had already shown concerns and directed MD, PPRA to fix responsibility vide his letter dated 24-03-2020 (copy enclosed).
- II. Prevalence of corruption / corrupt practices in PPRA.
- III. Irregular appointments / promotions / terminations and regularization of service in PPRA.
- IV. Illegal / unauthorized payments to personnel and parties.
- V. Issuance of advice / instructions to parties, without approval of Competent Authority.

2. In view of the foregoing, you are requested to kindly look into the matter and take necessary measures to remove these alleged anomalies, if established.

Yours faithfully,

Yours Sincerely,

*[Signature]*  
AFZAL LATIF

Sardar Ali  
Secretary  
Cabinet  
Government of  
Islamabad

CC:

25

**GOVERNMENT OF PAKISTAN  
CABINET DIVISION  
(AUDIT & PAC SECTION)**

No.5/4/2021-Audit & PAC

Islamabad, the 16<sup>th</sup> February, 2021

- Subject: i. TEMPERING IN MINUTES OF 37<sup>TH</sup> PPRA BOARD'S MEETING DATED 01.04.2019.
- ii. ALLEGATION OF ILLEGAL APPOINTMENTS, CORRUPTION, KICK-BACKS AND BRIBE AGAINST THE OFFICERS OF PPRA.

Pakistan Information Commission has considered an Appeal No. 455/08/20 made by Ms. Saima Tasneem vs PPRA Board regarding subject at mentioned (i) above and has sent a copy of its "Order" to Director General, FIA with the request to investigate the case as an offence under Section 22(1)(d) and 22(2) of the "Right of Access to Information Act 2017" vide letter No PIC-455-FIA21-01 dated 19.01.2021. A copy of the same is hereby sent which is self-explanatory.

2. Three-miscellaneous applications found attached with aforementioned letter of Pakistan Information Commission are also sent herewith containing allegations of illegal appointments, corruption, kick-backs and bribe against 7-officers of PPRA and 1-officer of Cabinet Division.
3. Being Chairman PPRA Board, kindly consider appropriate action in the matter.
4. This issues with the approval of Cabinet Secretary.

Secretary,  
Finance Division/  
Chairman, PPRA Board,  
Islamabad.



ASHEAQ ALIM  
Section Officer (Adm. & Gen. Secy)  
26.2.2021

Copy to Mr. Ikram ul Haq, Pakistan Information Commission, 1<sup>st</sup> Floor, National Arcade, 4-A Plaza, 113 Markaz, Islamabad.



پیرا میں بے ضابطگیاں، تحقیقات کیلئے سیکرٹری کا مینہ ڈویژن کو خط ارسال

قائم مقام ایف ڈی۔ جی ایم 11 سردار ریاضی، دوستی، تعلیمی کی نیکیاں بن جائیں۔ سیکرٹری

اسلام آباد (عام جاوید) سیکرٹری صنعت و پیداوار نے پبلک پروکیورمنٹ ریگولیٹری اتھارٹی (پچرا) میں مہینہ بے ضابطگیوں کی شکایات پر تحقیقات کے لئے سیکرٹری کاہینہ ڈویژن کو خط ارسال کیا ہے۔ ذرائع کے مطابق سیکرٹری صنعت و

پیداوار افضل لطیف نے بلور پچرا ایورڈ ممبر سیکرٹری کاہینہ ڈویژن سردار احمد نواز سکیرا (کنٹرولنگ باڈی پچرا) کے نام خط کی نقل چیز بین پچرا ایورڈ اسلام آباد (سیکرٹری خزانہ) کو بھی ارسال کی ہے۔

باقی صفحہ 4 نمبر 39

خط از سال 39

خلا میں بورڈ کے 40 ویں اجلاس کے منٹس میں غیر بحث شدہ ایجنڈے کی شمولیت، بدعنوانی، قواعد کے برعکس بھرتیوں، ترقیوں، برطرفیوں اور ریکارڈز میں غلطیاں وغیرہ قانونی ادائیگیوں اور عوامی اقدار کی منتظوری کے بغیر مختلف پارٹیوں کو ہدایات جاری کرنے جیسے معاملات کی نشاندہی کی گئی ہے۔ ذرائع کا کہنا ہے کہ چیئر مین پیما ایورڈ اسلام آباد نے 40 ویں بورڈ اجلاس کے منٹس کے سروسے میں غیر ملکی شدہ امور کی شمولیت پر تحقیقات کے لئے 24 مارچ 2020 کو ایم ڈی پیما واران کے تین کا کہا گیا تھا کہ ان کے حوالے سے تاحال کوئی چیئر مین نہیں ہو سکی، پیما اسلام آباد میں سابق قائم مقام ایم ڈی محمد زہیر کے چارج کے دوران مبینہ طور پر ساڑھے 11 کروڑ روپے کی بدعنوانی اور اختیارات سے تجاوز کی شکایات بھی ہیں جن میں سے متعدد پر تحقیقات جاری ہیں۔ ایک انکوائری طارق جاوید خان کی خلاف ضابطہ تقریر کے حوالے سے بھی کی جا رہی ہے جس میں سپریمورڈ کی گرفت حسین علی اور ڈی براہظم کی منتظوری کے بغیر بطور چیف سافٹ ویئر سپیشلسٹ (ایم بی ون سکیل) ساڑھے پانچ لاکھ روپے ماہانہ تنخواہ پر تعینات کیا گیا۔ ایک انکوائری فنانس ڈویژن میں جاری ہے۔ وزیراعظم کے معاون خصوصی شہزاد اکبر کی بھی ایک حکایت کے مطابق طارق جاوید محمد زہیر کے قریبی دوست اور پیویریٹی ٹیو ہیں اور انہیں عوامی اقدار کی منتظوری کے بغیر تعینات کیا گیا۔ ذرائع کے مطابق طارق جاوید کو جس پراجیکٹ کے لئے تعینات کیا گیا اس کا پی سی ڈی تک موجود نہیں۔ اب تک تقریباً 37 لاکھ روپے تنخواہ کی دہش ادا کئے گئے ہیں۔ محمد زہیر کی بطور ڈی جی مانیٹرنگ ایڈ ایڈمنسٹریشن پیما سسٹم 35 ملازمین کی تعیناتوں، ترقیوں اور ریکارڈز میں غلطیوں کے خلاف مقدمات اسلام آباد ہائی کورٹ میں بھی درج ہوئے ہیں۔ ذرائع کا کہنا ہے کہ محمد زہیر نے بطور قائم مقام ایم ڈی پیما اختیارات سے تجاوز کرتے ہوئے بورڈ کی منتظوری کے بغیر مختلف پارٹیوں، وفاقی وزارتوں اور ڈیپارٹمنٹس کو ہدایات بھی جاری کیں جن کے دو ہجائے تھے۔ سیکرٹری صنعت و پیداوار نے بھی ان کے انتظامی امور میں مبینہ بے قاعدگیوں پر سیکرٹری کا پیڈ ڈویژن کو تحقیقات کر کے تدارک کے لئے فوری اقدامات کرنے کا کہا ہے۔

[illegible]

## ہیچر ایورڈ اجلاس منس میں جلسہ سازی کی جامع تحقیقات کیجئے، انفارمیشن کمیشن

کمیشن فیصلے کے مطابق ہیچر ایورڈ میں منس میں جلسہ سازی کی جامع تحقیقات کیجئے، انفارمیشن کمیشن

کراے جس میں ایم ڈی ہیچر ایورڈ کو ملازمت پر رکھنے یا نکالنے کا اختیار دیا گیا تھا۔ عدالت نے اس بناء پر سالانہ کی ملازمت پر بحالی کی درخواست مسترد کر دی۔ صائمہ نسیم نے ہائی کورٹ میں جمع کرائے گئے منس میں جلسہ سازی کا شبہ ہونے پر ہیچر ایورڈ اسلام آباد کے 37 ویں اجلاس کے اصل منس کے حصول کے لئے "رائٹ آف ایکسیس انفارمیشن ایکٹ 2017" کے تحت پاکستان انفارمیشن کمیشن سے رجوع کیا جس پر متعلقہ فریقین نے منس جمع کرائے۔ کمیشن کے تحریری فیصلے کے مطابق حیرت انگیز طور پر پاکستان انفارمیشن کمیشن میں کارروائی کے دوران ہیچر ایورڈ میں منس جمع کرائے جو اسلام آباد ہائی کورٹ میں داخل کرائے گئے تھے جبکہ سیکرٹری فنانس، سیکرٹری ہاؤسنگ اینڈ ورکس، سیکرٹری مواصلات، سیکرٹری انڈسٹریز، سیکرٹری ڈیفنس پروڈکشن، سیکرٹری توانائی، سیکرٹری آبی وسائل اور سیکرٹری کابینہ کی طرف سے جو منس جمع کرائے گئے وہ یکساں اور متناسقات پر مشتمل تھے۔ ہیچر ایورڈ اسلام آباد کی جانب سے داخل کرائے گئے منس 4 صفحات پر مشتمل تھے اور منس کے 11 ویں پیرا گراف میں ایم ڈی ہیچر ایورڈ کو ملازمت پر رکھنے اور نکالنے کا اختیار دیا گیا تھا جس کا ذکر دیگر فریقین کی جانب سے جمع کرائے گئے بورڈ میٹنگ منس میں نہیں تھا۔ چیف انفارمیشن کمیشنر محترم اور انفارمیشن کمیشنر ذوالفقار ملک اور ڈیپٹی چیف انفارمیشن کمیشنر نے ہیچر ایورڈ میٹنگ کے 37 ویں اجلاس کے منس میں فرق پر مختلف سوالات اٹھائے ہوئے جامع تحقیقات کے لئے معاملہ ایف۔آئی۔اے کو بھجوا دیا اور ذمہ داران کے خلاف کارروائی کرنے کی ہدایت کی ہے۔

اسلام آباد (عام جاوید) حکومت کا معلومات تک رسائی کا ایکٹ 2017ء، پبلک پروکیورمنٹ ریگولیٹری اتھارٹی اسلام آباد (ہیچر) کی سابق ڈائریکٹر جنرل ایچ آر صائمہ نسیم کی بحالی کے لئے امید کی کرن ثابت ہوا ہے۔ پاکستان انفارمیشن کمیشن نے ہیچر ایورڈ کے 37 ویں اجلاس کے منس میں صائمہ نسیم کی ملازمت کا معاملہ ایف۔آئی۔اے کو بھجواتے ہوئے جامع تحقیقات اور ذمہ داران کے خلاف کارروائی کرنے کی ہدایت جاری کر دی ہے۔ پاکستان انفارمیشن کمیشن نے تحریری حکم نامہ میں قرار دیا ہے کہ ہادی انٹرنس میں یہ معاملہ ہیچر ایورڈ کے 37 ویں اجلاس کے منس میں جلسہ سازی کا ہے، بظاہر یہ شخص ایک فیکٹری میں بلکہ ہیچر ایورڈ میں ادارے کی بطور ریگولیٹری باڈی کارکردگی کے لئے سنگین نتائج کا حامل معاملہ ہے، سیکرٹری کابینہ (کنٹرولنگ باڈی) اور سیکرٹری فنانس (ہیچر میں ہیچر ایورڈ) معاملے کے پس پردہ مقاصد کا جائزہ لیں۔ اس بات کو یقینی بنائیں کہ صائمہ نسیم کی ملازمت کے معاملے کو دیکھ کر نہ دیا جائے اور آئندہ کے لئے اس کا تدارک کیا جائے۔ پاکستان انفارمیشن کمیشن نے اپنے تحریری حکم نامے میں ایف۔آئی۔اے کو ہدایت کی ہے کہ ہیچر ایورڈ اسلام آباد کے 37 ویں اجلاس کے منس میں صائمہ نسیم کی جامع تحقیقات کی جائیں، پس پردہ مذموم مقاصد اور حاصر کو سامنے لایا جائے اور ذمہ داران کو انصاف کے کٹہرے میں کھڑا کیا جائے۔ ذرائع کے مطابق ہیچر ایورڈ اسلام آباد کی ڈی جی ایچ ایچ آر صائمہ نسیم کو مئی 2019ء میں صائمہ نسیم پر مجاز اتھارٹی (ہیچر ایورڈ) کی منظوری کے بغیر ملازمت سے نکال دیا گیا۔ اسلام آباد ہائی کورٹ میں صائمہ نسیم کے کیس کی سماعت کے دوران ہیچر ایورڈ کے 37 ویں اجلاس کے منس جمع

Pakistan Information Commission declared in Para No.38, 40, 41 43 of final judgment dated 12.01.2021 that the Minutes of PPRA 37<sup>th</sup> BOD's meeting were tempered and MD PPRA exercising the termination of services powers of PPRA Board on the basis of forged documents of 37<sup>th</sup> BOD's Meeting Minutes held on 01.04.2019.

1. Secretary, Finance/Chairman PPRA Board, Islamabad.	5) Secretary, M/o Defence Production Division, Rawalpindi. (Member) BoD
2. Secretary, M/o Industries and Production, Islamabad. (Member) BoD	6) Secretary, M/o Energy (Power Division) Islamabad. (Member) BoD
3. Secretary, M/o Housing & Works Islamabad. (Member Board)	7) Secretary, M/o Communications Islamabad. (Member Board) BoD
4. Secretary, Ministry of Water Resources, Islamabad. (Member) BoD	
5. Deputy Chairman Senate, Islamabad	



Government of Pakistan  
Finance Division

No 431- AFS (Exp) 2020

Islamabad, the 24 March 2020

Mr Fida Wazir,  
Managing Director (MD)  
Public Procurement Regulatory Authority,  
Islamabad

Subject: MINUTES OF 41<sup>ST</sup> MEETING OF PPRA BOARD

Dear Sir,

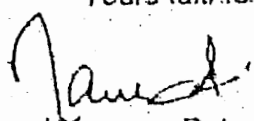
Please refer to the minutes of the subject meeting held on 12 March 2020.

2. The draft Minutes have been examined. Following are the observations in this regard:

- i) The approved minutes of 40<sup>th</sup> PPRA BoD meeting have not been enclosed. Please place these on the record.
- ii) The final version of approved three amendments has not been placed on record. Please put these on file.
- iii) The minutes of agenda item No.2 need to be refined as unnecessary detail has been given.
- iv) Among other agenda items, the Board had only approved the appointment of Chief Software Specialist, in accordance with the rules and procedure. Creation of pay package equivalent to MP-I scale is prerogative of the Committee notified by the P.M Office and headed by Dr. Ishrat Hussain. Hence, this case be presented in that forum.
- v) Regarding the 07 allied posts, as reflected at para 13(ii), this issue was not even discussed in the BoD meeting. M.D PPRA is required to examine as why it has been minuted like this.
- vi) Regarding PPRA enhancement of its own resources as reflected under other agenda (b), it is very alarming to note that this item was not even presented, or deliberated before the Board. The Management is directed to fix the responsibility of such willful commission.

3. Please revise the such draft minutes in the light of above mentioned observations & resubmit these alongwith fixing the responsibility of including non-discussed items in draft minutes. The draft minutes are returned herewith for doing the needful.

Yours faithfully,

  
(Naveed Kamran Baloch)  
Finance Secretary,  
Chairman PPRA Board  
24-3-2020

*Selected*  
  
**ALI TAHIR**  
Deputy Director (HF)  
Public Procurement Regulatory Authority  
(General Division)  
Islamabad

Better Copy

**Government of Pakistan  
Finance Division**

\*\*\*\*\*

No.431- AFS(Exp)/2020  
Mr. Fida Wazir  
Managing Director (MD),  
Public Procurement Regulatory Authority,  
Islamabad.

Islamabad, the 24 March, 2020

Subject: MINUTES OF 41<sup>ST</sup> MEETING OF PPRA BOARD

Dear Sir,

Please refer to the minutes of the subject meeting held on 13th March 2020

2. The draft Minutes have been examined. Following are the observations in this regard

- i) The approved minutes of 40 PPRA BOD meeting have not been enclosed. Please place these on the record
- ii) The final version of approved three amendments has not been placed on record. Please put these on file.
- iii) The minutes of agenda item No. 2 need to be refined as un-necessary detail has been given.
- iv) Among other agenda items, the Board had only approved the appointment of Chief Software Specialist, in accordance with the rules and procedure. Creation of pay package equivalent to MP-scale is prerogative of the Committee notified by the PM Office and headed by Dr. Ishrat Hussain. Hence, this case be presented in that forum.
- v) Regarding the 07 allied posts, as reflected at para 13(1), this issue was not even discussed in the BoD meeting. M.D PPRA required to examine as why it has been minuted like this.
- vi) Regarding PPRA enhancement of its own resources as reflected under other agenda (b), it is very alarming to note that this item was not even presented, or deliberated before the Board. The Management is directed to fix the responsibility of such willful commission.

3. Please revise the such draft minutes in the light of above-mentioned observations & resubmit these along with fixing the responsibility of including non-discussed items in draft minutes. The draft minutes are returned herewith for doing the needful.

Yours faithfully,

(Naveed Kamran Baloch)  
Finance Secretary  
Chairman PPRA Board  
24-3-2020

C.F.C.  
24/3

Secretary,  
Finance Division/Chairman PPRA Board,  
Ministry of Finance, Pak-Sectt,  
Islamabad.

Islamabad the 23<sup>rd</sup> June, 2020

Subject: INITIATION OF INQUIRY PROCEEDING AGAINST MUHAMMAD ZUBAIR DG(M&E) ALONG-WITH OTHER CO-ACCUSED WHO PREPARED FORGED/BOGUS COPY OF MINUTES OF 37<sup>th</sup> PPRA BOARD MEETING HELD ON 01-04-2019 WHICH WAS SUBMITTED BEFORE ISLAMABAD HIGH COURT (IHC)

It is submitted before your kind forum/office, that during the pendency of WP No.2088/2019 and WP No.2089/2019 before Hon'ble Islamabad High Court (IHC), PPRA submitted Para-wise comment along with copy of minutes of 37<sup>th</sup> PPRA Board meeting held on 01-04-2019, on the behest of above mentioned accused. (Certified Copy of comments of PPRA is on Annex-I)

2. That on reliance of above mentioned minutes the Hon'ble Islamabad High Court (IHC) was pleased to observe/conclude his order which is elaborated in Para-8 of the judgement (Annex-II) in following manners;

**"The Authority may delegate its functions or powers to the MD which accordingly was done by the Board of the Authority in the minutes of 37<sup>th</sup> meeting of the PPRA Board held on 01-04-2019"**

And the relevant Para from the minutes of the 37<sup>th</sup> Board meeting was reproduced by the Hon'ble Islamabad High Court (IHC), in his order; the same is narrated as under;

**11 (b). The Board delegated all the powers to Managing Director regarding decision on the appointment related issues as well as of probation including confirmation, extension of probation and termination service, relevant court matters, as the case may be, and authorized him to decide accordingly being competent Authority and the only full time Member of the PPRA Board"**

3. That on contrary to the above, the copy of 37<sup>th</sup> BODs minutes of meeting which was circulated to all PPRA Board Members and Cabinet Division vide letter No.7(40)/Admn/PPRA/2019 dated 17<sup>th</sup> April, 2019 (Annex-III) along with Agenda of 38<sup>th</sup> BOD's meeting indicates that there is no Para 11(b), (12) as it is evident from the Para 11 of the meeting "The meeting ended with a note of thanks to and from the Chair." Hence, there is no Para 11(b) and (12) in the original minutes of 37<sup>th</sup> Board meeting which was presented before and approved by the Board. (Annex-IV)

4. That this forged/tempered document was prepared on the behest of Mr. Muhammad Zubair, DG (M&E) and other co-accused to mislead the Hon'ble Court for the purpose to take their required result from the Hon'ble Islamabad High Court (IHC) in respect of termination of services of Petitioners.

5. That in view of the above facts, it is required that an inquiry be initiated by the PPRA Board to verify the original minutes of 37<sup>th</sup> PPRA Board meeting which was presented and approved by the PPRA Board and the copy of minutes of 37<sup>th</sup> PPRA Board meeting which was placed before the Hon'ble Islamabad High Court (IHC) OR As your kind office think appropriate; the matter may be forwarded to Federal Investigation Agency (FIA) for necessary inquiry/investigation as many persons acted in collaboration in forgery and perjury.

6. That if the forgery/perjury/distortion is proved in the inquiry/investigation in respect of forged copy of the minutes of 37<sup>th</sup> PPRA Board meeting, cognizable offence under the relevant provisions of the Pakistan Penal Code (Act XLV of 1860) read with provisions of the Federal Investigation Act, 1974 (Act No. VIII of 1975) be taken against above mentioned accused persons to meet the ends of the justice.



(Ms. Saima Tasneem)  
D/o Khawaja Tasneem, House No. 894,  
Service Road, North,  
Sector I-10/2, Islamabad.

Copy to:

- i. Secretary, Defence Production Division, (Member Board), Rawalpindi.
- ii. Secretary, M/o Energy (Power Division) (Member Board), Islamabad.
- iii. Secretary, Ministry of Housing & Works (Member Board), Islamabad.
- iv. Secretary, Ministry of Communications (Member Board), Islamabad.
- v. Secretary, M/o Industries and Production, (Member Board) Islamabad.
- vi. Secretary, Cabinet Division, Islamabad.

# The Eastern Law Firm

Advocates and Corporate Consultants  
State Life Buildings No.7, Jinnah Avenue,  
Sector F-6, Islamabad (051-8434951)

Ref: No.ELF/113/PPRA/2020

Secretary,  
Cabinet Division  
Cabinet Block  
Islamabad.

Islamabad the 3<sup>rd</sup> July, 2020

Subject: APPLICATION U/S 11 OF RIGHT OF ACCESS TO INFORMATION ACT 2017

RESOUEST FOR PROVISION OF INFORMATION IN THE FORM OF ATTESTED COPIES

Dear Sir,

It is submitted before your kind office, that vide letter dated 17.04.2019 whereof, 38<sup>th</sup> PPRA BOD's meeting was scheduled to be held on 18.04.2019 at 2:00pm in the committee room No.2 of Ministry of Finance 2<sup>nd</sup> Floor Q-Block Pak Sectt Block Islamabad.

2. In said letter agenda and working paper were enclosed. The working paper and agenda indicates, that minutes of meeting of PPRA Board held on 1<sup>st</sup> April, 2019 was enclosed as Annex-I, and a letter dated 04.04.2019 was also enclosed as Annex-II. The summary and proposed rules were also attached as Annex-III and a Cabinet Division letter dated 15.04.2019 as Annex-IV. All these documents were circulated to the PPRA Board members including your office.

3. Hence in above mention situation it is requested that attested copies of following documents may kindly be provided :-

- Attested copy of PPRA letter dated 17.04.2019.
- Attested copy of working paper agenda item No.I.
- Attested copy of Minutes of 37<sup>th</sup> PPRA BOD's meeting held on 01.04.2019.
- Attested copy of letter No.15/CM/2019-N dated 04.04.2019.
- Attested copy of Summary For Cabinet Division on PPRA Rules.
- Attested copy of Cabinet Division letter dated 15.04.2019.

Dr-1687

Received

Apr 17

Office of the  
Secretary  
Cabinet Division  
Islamabad

*Pls. take n/legal action  
of this firm appeared before me and has  
advised that there has been a forgery done  
in the minutes of the PPRA Board meeting  
of 01-04-2019, as borne out by the copy produced  
in the IHC as compared to what's available  
in the record of Cabinet Division.*

(Syed Pervez Zahoor)  
Advocate Supreme Court  
0332-5221777

31/7/2020  
A/07/2020

Secretary Finance/  
Chairman PPRA Board,  
M/o Finance,  
Islamabad

Islamabad, the 11<sup>th</sup> June, 2020

Subject: **REPRESENTATION AGAINST APPOINTMENT AND MALPRACTICES OF D.G (M&E), PPRA (Mr. Muhammad Zubair)**

It is submitted before your kind office that PPRA published an advertisement for recruitment of employees on 14-10-2017. (Annex-I). (Closing date : 29-10-2017)

2. According to the advertisement, PPRA, amongst other officials, required to appoint 05 X Director General possessing different technical / managerial qualifications and experiences as heads of its 05 Wings. The requisite criteria as advertised for each position is being reproduced below;

Name of post	Prescribed Qualification and Experience
Director General (HR) PPG-4/BS-20	i. MA/Msc degree (16 years education) at least 45% marks in HRM/HRD/ Psychology/business administration or equivalent from HEC recognized university. ii. Minimum 17 years post qualification recognized and verifiable experience in the relevant field.
Director General (Finance) PPG-4/BS-20	i. MA/Msc degree (16 years education) at least 45% marks in Business Administration (Finance), commerce or equivalent from HEC recognized university. ii. Minimum 05 years recognized experience in BS-19/equivalent or above in Govt / Autonomous body in relevant field.
Director General (Legal) PPG-4/BS-20	i. Minimum LLB degree (16 years education) at least 45% marks or equivalent from HEC recognized university. ii. Minimum 05 years recognized experience in BS-19/equivalent or above in Govt./ Autonomous body in relevant field.
Director General (M&E) PPG-4/BS-20	i. Minimum BE/BSc degree (civil, electrical, mechanical) or MA/MSc (16 years education) at least 45% marks or equivalent from HEC recognized university. ii. Minimum 17 years recognized and verifiable post qualification experience in the relevant field.
Director General (IT& Research) PPG-4/BS-20	i. Minimum MSc degree (16 years education) at least 45% marks in computer science, information technology, software engineering or equivalent from HEC recognized university. ii. Minimum 17 years recognized and verifiable post qualification experience in the relevant field.

3. As it is evident from the above description, the minimum required recognizable and verifiable post qualification experience for the Post of Director General (DG) (M&E) was 17-Years in relevant field. But unfortunately, D.G (M&E) namely Mr. Muhammad Zubair, while manipulating, misrepresented the correct information in respect of his recognized and verifiable post qualification experience as well as other testimonials, whereas he passed his B.Sc (Civil) dated 17.03.2001 (Annex-II). Similarly the website of Pakistan Engineering Council (PEC) also reflects the Passing Year of B.Sc (Civil) of Mr. Muhammad Zubair as 2001 (Annex-III).

4. Muhammad Zubair, DG (M&E) does not possess recognizable and verifiable Post-Qualification Experience of 17-Years after attaining the required qualification on 17.03.2001. His total short experience is 12-Months and 23-Days from 17.03.2001 to 29.10.2017.(8 Months & 5 Days plus 4 Months & 18 Days)

5. Furthermore, Muhammad Zubair was a BS (18) officer of Pakistan Nuclear Regulatory Authority (PNRA), who in alliance with Mr. Ali Temoor, Deputy Director (HR), PPRA, managed to notify his joining in PPRA w.e.f. 01.06.2018 without relieving from previous department i.e. PNRA. (Annex-IV).

6. Muhammad Zubair does not have requisite experience to hold the post of D.G (M&E), he always, during the course of his service, remained involved in nefarious designs to occupy the posts of DG (HR) and D.G (IT). Even though he does not have any HR, IT related qualification and experience to hold the posts of DG-HR (Annex-V) and DG-IT (Annex-VI). He has not only been succeeded to achieve his ulterior motives but also managed to occupy the post of ED, PMU of e-procurement project (Annex-VII).

7. He is involved in illegal practices to gain financial benefits out of his ulterior motives which is evident from mishandling of e-procurement project wherein activities have been started in haphazard manner without even preparation and approval of PC-I from the relevant authorities.

- i. Hiring of e-procurement consultant firm in an arbitrary manner to favor a particular firm, wherein, technical marks obtained in pre-qualification process were carried forward to subsequent tendering process which is unprecedented and against any norm of transparency.
- ii. Even there is No PC-I or Project funding available Mr. Muhammad Zubair has managed to appoint his close friend Mr. Muhammad Tariq Javed Khan (BSc Civil Engineering) in PPRA as Chief Software Specialist, who is receiving heavy amount in the form of remuneration out of PPRA funds.
- iii. PPRA has not received any fund from Finance Division for e-procurement project activities since 2017. Muhammad Zubair has managed to establish a PMU of the project without any PC-I by misleading the PPRA Board. Further, he managed to get additional charge of the Executive Director of PMU and planning to get Project Allowance in addition to his salary w.e.f. 01-01-2020.

8. It is require that to verify all experience certificates, educational documents, of Muhammad Zubair, DG (M&E) w.e.f. August, 2000 to onward from concerned quarters under clause 12 of PPRA advertisement dated 12.10.2017, which states that Information provided in application form will be verified in case of offer of appointment. In case of any false and forged informations, PPRA reserves the rights to cancel the candidature at any stage (even after employment if so discovered later) and to initiate legal action against the applicant."

#### PRAYER :

"It is prayed that an inquiry be initiated against the Muhammad Zubair, DG (M&E) through following points under clause 12 of the advertisement dated 12-10-2017.

- (a) To verify his credentials and in case of wrong/bogus information, the employment of accused be cancelled. Moreover, necessary proceedings under the relevant law be initiated against him to meet the ends of justice.
- (b) The matter of mishandling the E-Procurement Project and illegal appointment of Chief Software Specialist may be referred to the relevant authorities for proper investigation and further proceeding"

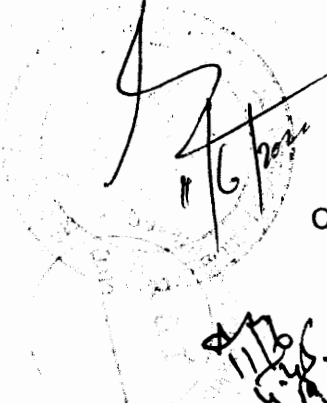
  
Ejaz Rasool

S/o Faiz Rasool,

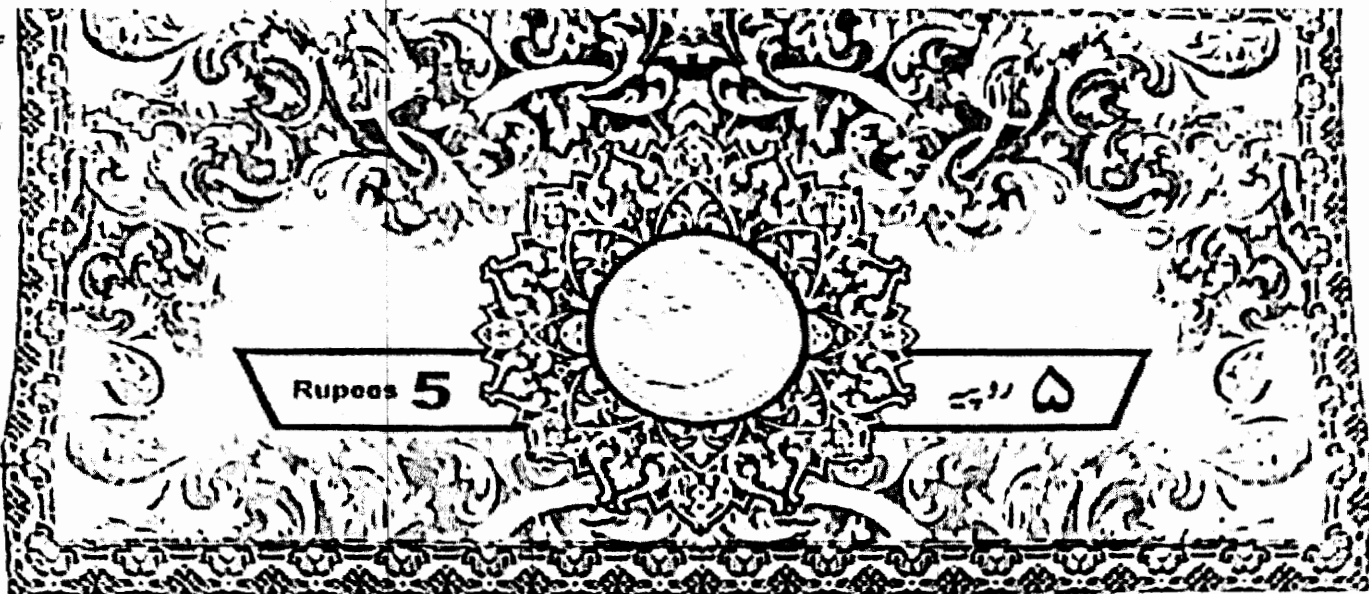
NIC No.37406-1633928-9, Rawalpindi.

Copy to:

1. Secretary, Defence Production Division, (Member Board), Rawalpindi.
2. Secretary, M/o Energy (Power Division) (Member Board), Islamabad.
3. Secretary, Ministry of Housing & Works (Member Board), Islamabad.
4. Secretary, Ministry of Communications (Member Board), Islamabad.
5. Secretary, M/o Industries and Production, (Member Board) Islamabad.
6. Secretary, Cabinet Division, Islamabad.
7. Secretary, Ministry of Law Justice & Human Rights Division, Islamabad.
8. Managing Director, PPRA, Islamabad.
9. Director General, NAB, Islamabad.
10. Director, FIA, Islamabad.

  
R&I  
Evening Shift  
Ministry of Housing & Works  
11.6.20





**IN THE HONORABLE FEDERAL OMBUDSMAN SECRETARIAT FOR  
PROTECTION AGAINST HARASSMENT (FOSPAH), ISLAMABAD**

**Subject: STATEMENT OF EVIDENCE WITH REF TO FOSPAH LETTER NO. FOH-HQR/0000241/2019/964 DATED 1ST JULY 8, 2021, IN CASE NO. FOH-ONL/000154/19 (DR. RAHILA YOUSAF VS MR. MUHAMMAD ZUBAIR)**

I, Muhammad Aasim Bashir, s/o Bashir Ahmed Akhter, bearing CNIC# 45104-0279958-3 do hereby undertake that, I am serving in Public Procurement Regulatory Authority (PPRA) as Deputy Director (IT) since May 2018.

I, on oath, testify that, on 26-7-2019 Mr. Muhammad Zubair has forced Dr. Rahila Yousaf to stay with him in his office after office hours from 5pm to 7:30 pm, Mr. Muhammad Zubair D.G (Monitoring & Evaluation) is victimizing Dr. Rahila Yousaf of character assassination in order to damage her reputation and credibility.

I also confirm that Mr. Muhammad Zubair has a gang mentality, he made a gang of several employees in office and use that gang for harassment, mobbing, pressurizing and bullying the officers of Authority, he has a track record of creating hostile & fearful environment in office, harassing various employees of PPRA. He holds personal grudge, malice, biasedness and particular hostile attitude toward various employees in each & every matter, and in past he left no stone unturned to obstruct, disrepute and eliminate them unlawfully.

In an instance on 29-07-2019, Mr. Muhammad Zubair along with his gang (Mr. Ali Taimoor DD-HR and 15 others), mobbed, broke the lock, barged my office without permission. The entire office is witness to the highhandedness of Mr. Muhammad Zubair who openly harassed, used indecent / abusive language, expelled me from office and passed termination threats; he took away all files, records and equipment. On the same day he issued a letter of displeasure to me whereby he mentioned my family members, used preposterous, slang, derogatory & personal language, he issued the letter without any textual basis in the enabling service regulations, and which amounts to a penalty, the same was issued without due process of law. He also addressed the said letter directly to Principal Secretary to Prime Minister, Addl. Secretary to PM, Chairman PPRA Board, all members of PPRA Board and my personal file. Bypassing the Cabinet Division, he exceeded from his powers, violated the laws, chain of command, discipline and the Rules of Business.

In the various circumstances, Mr. Muhammad Zubair showed up as hypocrite, dishonest, indecent, lawless, conspirator, cruel, lacking in moral standards, fraudulent, negative as well as a criminal minded person.



Muhammad Asim Bashir, s/o Bashir Ahmed Akhtar, bearing CNIC# 45104-0279958-3,

**AFFIDAVIT IN FAVOR OF  
FEDERAL OMBUDSMAN SECRETARIAT FOR PROTECTION  
AGAINST HARASSMENT (FOSPAH), ISLAMABAD**

SHAHID MEHMOOD  
Stamp Vendor  
License No. 69  
Anbaram, Islamabad

Chairman PPRA Board/  
Secretary Finance Division,  
Islamabad.

Islamabad, the 07/11 November, 2021

**Subject: Application For Initiation of Proceedings of Misconduct Under E&D Rules and Criminal Proceedings Against Mr. Ali Temoor & Muhammad Khurshid. (illegal appointment of Muhammad Khurshid)**

Managing Director (PPRA) has given recommendations to PPRA Board (appointing authority) for the selection of Non-eligible Muhammad Khurshid w.e.f. 30<sup>th</sup> July, 2018 on the Regular Post of Deputy Director (BS-18) in 2018. Therefore, MD (PPRA) did not initiated any proceedings against own recommendations.

2. MD (PPRA) vide letter dated 15.02.2019 verified the credentials of Muhammad Khurshid from Punjab Food Authority (PFA). Punjab Food Authority (PFA) vide letter dated 29.03.2019 intimated to PPRA in reply that Muhammad Khurshid has remained in this office on contract basis for Less than 5-Years from 07-11-2012 to 20-09-2017, which is evident that Muhammad Khurshid had no experience of Govt Service in BS-17 (EVEN A SINGLE DAY) on BS-17 regular Post as required under regulations and advertisement dated 14.10.2017 at the time of his shortlisting/appointment as Deputy Director (BS-18) in OTS & PPRA.

3. Muhammad Khurshid does not possess the prescribed length of experience of 5-Years against the regular post of BS-17, whereas he submitted his credentials stating that he started his career in BS-17 from 07-11-2012 to 20-09-2017 i.e. 04 Years 10 Months and 13 days on contract basis which is 01 Month and 17 Days Short of the required prescribed experience, whereas the term "experience" is defined In PPRA Service Regulations Appendix-2, (2) (iii) (a) as "(a)"

**Experience" means, experience gained in a regular/full-time job after obtaining the required qualifications:"** In this way, Muhammad Khurshid does not possess the required length of experience Even One Day on regular/full-time job after obtaining the required qualification.

4. It is apprehended that Muhammad Khurshid has submitted incorrect and false particulars/information about his credentials or the same was tampered in collusion with the Director (Projects) Or Manager Operations Open Testing Services (OTS) Islamabad to get him shortlisted for appearance in Screening Test. The exact information/particulars regarding regular experience in BS-17 are available on Two Pages OTS Form which is dully filled, signed and Thumb Impressed by Muhammad Khurshid and same submitted to OTS office Islamabad for shortlisting before 29.10.2017, wherein he has given Undertaking on Serial No.4 (with signatures & thumb impressed) on Page No.2 of OTS Form. **All relevant documents are enclosed as detailed on INDEX.**

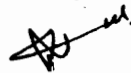
5. Muhammad Zubair, Ali Temoor and Muhammad Khurshid by misleading the then MD (PPRA) (Fida Muhammad Wazir) prepared and produced fake/bogus letter shown to be issued on 16.10.2017 to cover the deficiency of Muhammad Zubair's Experience of 12-Months & 24-Days and Muhammad Khurshid's Experience by 01-Month & 17-Days. The reference of fake/bogus letter dated 16.10.2017 is not mentioned in following documents those are prepared & presented on different forums/court cases before issuance of appointment letters and after joining of Muhammad Zubair & Muhammad Khurshid :-

- (a) In Minutes of selection committee signed on **29.12.2017** in which selection of officers were approved.
- (b) The reference of bogus/fake letter dated 16.10.2017 was also not mentioned in Para-wise comments in **CP No.D-539/2020 (titled Abdul Basit Vs FoP & Others)** before High Court of SINDH, Sukkar Bench, wherein MD (PPRA) has clearly mentioned that PPRA allowed joining to Muhammad Khurshid on Punjab Quota seat and denied the joining of selected candidate (Ghous Bux Khari) on Sindh Quota seat.
- (c) In PPRA's 34<sup>th</sup> BoD's Meeting Minutes held on 02.01.2018 on Agenda Item No.4, wherein Board approved the selection of Muhammad Khurshid as Deputy Director (BS-18) without looking into his experience or any indication that he was granted relaxation in experience.
- (d) In OTS agreement dated **05.10.2017** and In Job advertisement dated **14.10.2017.**
- (e) In reply on **PM Portal Complaint No.IS280519-290496, dated 13.06.2019.**
- (f) In reply of PPRA's CM No.3712/2018 in September, 2018 as prepared & produced by Muhammad Zubair before Hon'able Court in ICA No. 258/2018 in WP No.348/2018. (WP filed for issuance of offer letter)
- (g) In reply of CM No.3712/2018, Respondents misled the Hon'able Court and tried to take the cover/benefit of an irrelevant Judgement No.FAO. 04/2012 dated 10.10.2012. The said judgment pertained to a case in which the fact of experience relaxation was mentioned in the press advertisement, which was not relevant for any GRADE POST in (PPRA) advertised on 14.10.2017, because no such relaxation mentioned in PPRA's advertisement dated 14.10.2017.

Since the reference of letter dated 16.10.2017 was not mentioned in above referred documents as on Para 5/N above. Therefore, claim of Muhammad Khurshid for experience relaxation on the basis of letter dated 16.10.2017 is not correct.

6. In the light of above facts and grounds and General T&C for all Posts at **Serial No.12** of advertisement dated 14.10.2017, Undertakings on OTS Form No. 02, **Clause 4 (V)** and **Clause (9)** of OTS agreement, Kindly take following actions.

- i. To initiate the detailed investigation/inquiry on the whole selection process especially illegal appointment of Muhammad Khurshid, Deputy Director (BS-18).
- ii. To suspend the Ali Temoor & Muhammad Khurshid till the completion of inquiry/investigation.
- iii. The appointment fraudulently got by Muhammad Khurshid may be terminated and all salaries, perks and benefits received may be recovered from him since the date of joining i.e.30<sup>th</sup> July, 2018.



**Ejaz Rasool**  
(Petitioner of WP No.2203/2020)

Copy to :

- a) All Members of PPRA Board.
- b) Secretary Cabinet Division Islamabad.
- c) Principal Secretary to Prime Minister (PSPM) Islamabad.

Chairman PPRA Board/  
Secretary Finance Division,  
Islamabad.

**Reminder**

Islamabad, the 9<sup>th</sup> November, 2021

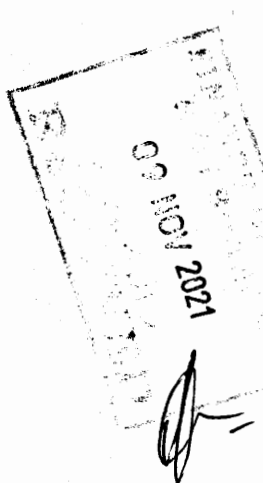
**Subject: Non-Compliance of Hon'able Islamabad High Court Orders dated 06.11.2020 Passed in WP No.2203/2020 By MD (PPRA)**

The applicant filed the Representation dated 11.06.2020 before the Chairman PPRA Board as well as others Board Members against the illegal appointment of Muhammad Zubair as Director General (M&E) PPRA w.e.f. 01.06.2018.

2. The Hon'able Court issued directions to MD (PPRA) vide Order dated 06.11.2020 in WP No.2203/2020 to look into the matter of illegal appointment of Muhammad Zubair. However, despite lapse of a period of Twelve (12) Months passed MD (PPRA) did not place case before appointing authority/PPRA Board, which is a willful contempt of Hon'able Court by MD (PPRA) in subject case.

3. That apart from facts mentioned in my representation dated 11<sup>th</sup> June, 2020 with supporting documents, which amply proved that Muhammad Zubair lacked qualification/experience required for the post of Director General (M&E) PPRA, certain new facts have also transpired that Muhammad Zubair placed a forged documents in the office record to show that the qualification/experience was relaxed in the case of Muhammad Zubair and others officers.

4. Muhammad Zubair, Ali Temoor and Muhammad Khurshid by misleading the then MD (PPRA) (Fida Muhammad Wazir) prepared and produced fake/bogus letter shown to be issued on 16.10.2017 (**Annex-A**) to cover the deficiency of Muhammad Zubair's Experience of 12-Months & 24-Days and Muhammad Khurshid's Experience by 01-Month & 17-Days. The reference of fake/bogus letter dated 16.10.2017 is not mentioned in following documents those are prepared & presented on different forums/court cases before issuance of appointment letters and after joining of Muhammad Zubair & Muhammad Khurshid :-

- 
- (a) In Minutes of selection committee signed on **29.12.2017** in which selection of Muhammad Zubair was approved as DG (M&E).
  - (b) In reply on PM Portal Complaint No.IS280519-290496, dated **13.06.2019**, which was related with illegal appointment and deficiency in experience of Muhammad Zubair.
  - (c) In reply of PPRA's CM No.3712/2018 in September, 2018 as prepared & produced by Muhammad Zubair before Hon'able Court in ICA No. 258/2018 in WP No.348/2018. (WP filed for issuance of offer letter)
  - (d) In OTS agreement dated **05.10.2017** and In Job advertisement dated **14.10.2017**.
  - (e) The reference of bogus/fake letter dated 16.10.2017 was also not mentioned in Para-wise comments in **CP No.D-539/2020 (titled Abdul Basit Vs FoP & Others)** before High Court of SINDH, Sukkar Bench, wherein MD (PPRA) has clearly mentioned that PPRA allowed joining to Muhammad Khurshid on Punjab Quota seat and denied the joining of selected candidate (Ghous Bux Khari) on Sindh Quota seat.

- (f) In PPRA's 34<sup>th</sup> BoD's Meeting Minutes held on 02.01.2018 on Agenda Item No.4, wherein Board approved the selection of Muhammad Zubair as DG without looking into his experience or any indication that he was granted relaxation in experience.
- (g) In reply of CM No.3712/2018, Muhammad Zubair misled the Hon'able Court and tried to take the cover/benefit of an irrelevant Judgement No.FAO.04/2012 dated 10.10.2012. The said judgment pertained to a case in which the fact of experience relaxation was mentioned in the press advertisement, which was not relevant with the post of DG (PPRA) or any other post advertised on 14.10.2017. The fact is that relaxation on the basis of M.Phil degree for any post was not mentioned in PPRA's advertisement.

Since the reference of letter dated 16.10.2017 was not mentioned in above referred documents as on Para 4/N above. Therefore, claim of Muhammad Zubair & M. Khurshid for experience relaxation on the basis of letter dt 16.10.2017 is not correct.

6. Muhammad Zubair has given different Bio-data/CV and particulars about his BSc (Civil) degree passing dates in the following cases.

- a) He submitted In WP No.348 of 2018 and In CM No.399/2019 on Para 6 (In WP-No.4708/2018) before Hon'ble Court, that he passed his BSc (Civil) Engineering from UET Lahore in 2000.
- b) He mentioned on OTS Form dated 20.10.2018 that he passed his BSc (Civil) Eng, in 2001 from UET Lahore. He submitted OTS Form for shortlisting against the Post of DG (M&E) before 29<sup>th</sup> October, 2018.
- c) MD (PPRA) has uploaded Muhammad Zubair's DMC in reply of Complaint No.IS280519-2890496 dated 13.06.2019 on PM Portal, wherein Result declared was written in May-1999 on the back side of original DMC of BSc (Civil).

7. Muhammad Zubair managed to get additional charge of MD, DG, HR and DG (IT&R) PPRA in 2019 & 2020 and took possession of personal file himself. He is submitted his documents in Cabinet Division for the Post of Chairman NEPRA in 2018, in NUST Islamabad for admission in MS in 2015, in International Islamic University IBD for admission in LLB in 2018, in PEC at the time of registration as Engineer in 2003, in M/o Foreign Affairs For the post of DS, General (Iran), in OTS for the posts of DG & Director (M&E) PPRA in 2018.

8. In the light of above new facts, grounds and conditions on Srl No.12 of recruitment advertisement, Undertaking on OTS Form Page No.02 and **Clause 4 (V) & Clause (9)** of OTS agreement following prayers are submitted.

- i. Direct the MD (PPRA) to present the applicant representation dated 11.06.2020 before PPRA Board (appointing authority) in next BoD's meeting for constitution of inquiry committee within 15-Days.
- ii. The appointment fraudulently got by Muhammad Zubair may be terminated and all salaries, perks and benefits received may be recovered from him since the date of his joining i.e. 1<sup>st</sup> June, 2018.

  
Ejaz Rasool

(Petitioner of WP No.2203/2020)

Copy to:

- a) All Members of PPRA Board.
- b) Secretary Cabinet Division Islamabad.
- c) Principal Secretary, to Prime Minister (PSPM) Islamabad.

**Pakistan Information Commission**

**Government of Pakistan**

1<sup>st</sup> Floor, National Arcade, 4-A Plaza

F-8 Markaz, Islamabad

Website: [www.rti.gov.pk](http://www.rti.gov.pk)

Phone: 051-9261014

Email: [appeals@rti.gov.pk](mailto:appeals@rti.gov.pk)

@PkInfoComm



Ref: PIC-455/FIA21-01

Date: January 19, 2021

Mr. Wajid Zia

Director General

Federal Investigation Agency

Muhammad Tufail Niazi Rd, G-9 Mauve Area

Islamabad

**Subject: Case Reference under Section 20 (1) (h) of the Right of Access to Information Act 2017**

Please find enclosed Order of the Pakistan Information Commission on Appeal No. 455-08/20, in the case of Saima Tasneem, through Eastern Law Firm (Appellant) VS Pakistan Procurement Regulatory Authority (PPRA) Board Members (Respondent), along with the copies of the record as available on the file.


Pakistan Information Commission has determined that FIA needs to investigate this case as an offence under Section 22 (1) (d) and 22 (2) of the Right of Access to Information Act 2017 which is as under:

- (d) *"Destroying a record without lawful authority, shall be punishable with a fine not exceeding fifty thousand rupees"*
- (2) *In addition to any other action that may be taken under any other law for the time being in force, any person who wilfully destroys a record which at the time it was destroyed was the subject of an application for access to information which is the subject of an application or appeal, with the intention of preventing its disclosure under this Act, commits an offence punishable with imprisonment for a term which may extend to two years or with fine which shall not be less than one hundred thousand rupees or with both".*

The Order and copies of the record available on the file is being referred to Federal Investigation Agency, (FIA) under Section 20 (1) (h) of the Right of Access to Information Act 2017 which states that "the information commission after determination of wilful destruct of record shall refer such matters to the relevant agencies"

It will be appreciated if this Commission is informed about the action taken as per above quoted Sections of the Right of Access to Information Act 2017.



o/c   
Ikram Ul Haq

1. Registrar Supreme Court of Pakistan.
2. Attorney General for Pakistan, Supreme Court Buildings, Islamabad.
3. Chairman Pakistan Bar Council, Supreme Court Buildings, Islamabad.
4. President, Supreme Court Bar Association Islamabad.
5. Chairman, Disciplinary Committee Pakistan Bar Council, Islamabad.
6. President, Islamabad High Court Bar Association Islamabad.

**Subject: Complaint Against Mr. Hafiz Arafat Ahmed Chaudhry, ASC, On Account of Gross Misconduct and Professional Dishonesty. Under Pakistan Bar Council Act 1973 and Legal Practitioners And Bar Council Rules, 1976**

**Respectfully Sheweth,**

The Complainant is ex-Director General (HR) Public Procurement Regulatory Authority (PPRA) Cabinet Division Islamabad. The complainant holds an MBA Degree with CGPA of 3.47/4 and has vast experience of 19 Years in the field of Human Resource and Administration.

2. The Complainant filed Two Intra Court Appeals (ICAs) No.71/2020 and Intra Court Appeal (ICA) No.72/2020 and Muhammad Irfan Rafique (ex-DG (IT) PPRA filed Intra Court Appeal (ICA) No.130/2020, (**Annex-A**) before Islamabad High Court. Mr. Hafiz Arafat Ahmed Chaudhry, Advocate appeared against the complainant on Behalf of MD (PPRA) and Secretary to PPRA Board in said Three Intra Court Appeals (ICAs) without submission of Power of Attorney before registrar office of Islamabad High Court (IHC) (**Annex-B**). Mr. Hafiz Arafat Ahmed Chaudhry, (ASC) gained secret knowledge of MD (PPRA) and PPRA Board Members appointments and Board meetings agendas items from the files of PPRA and then appeared against the PPRA Board of Directors (BODs) and MD (PPRA) in WP No.1819/2020 (titled Engr. Muhammad Zubair, DG (PPRA) Vs FoP & Others) on 09.07.2020. (**Annex-C**) This indicates that he does not believe on professional ethics and tries to gain heavy amounts of fees from both sides on the basis of knowledge/information's acquired from perusal of the official files of PPRA. This is a Professional Misconduct and Dishonesty on the behalf of the Mr. Hafiz Arafat Ahmed Chaudhry (ASC).

3. Mr. Hafiz Arafat Ahmed Chaudhry, Advocate Supreme Court (ASC) rendered Professional Services for PPRA as Private Lawyer in above referred Three Intra Court Appeals (ICA No.130/2020, No.71/2020, No.72/2020) (**Annex-A**) in the absence of regular full time MD (PPRA) and without the approval of PPRA Board and permission of M/o Law, Justice & Human Rights Division also not obtained. He appeared on behalf of PPRA Board and MD (PPRA) before Hon'able Division Bench (DB) and presented himself as Private Lawyer and argued before the Hon'able Division Bench (DB) posing himself as the counsel having submitting Power of Attorney, whereas as per the Certified Copies dated 23<sup>rd</sup> November, 2020, 16<sup>th</sup> June 2020 and 22<sup>nd</sup> August, 2020 received from registrar office (**Annex-B**) of the Islamabad High Court, No such Power of Attorney was ever submitted before the registrar office of the Islamabad High Court. Later on, He appeared against the PPRA Board of Directors (BODs) and MD (PPRA) in Writ Petition No.1819/2020. (**Annex-C**) This is a Professional Misconduct and Dishonesty.

4. Earlier, Mr. Hafiz Arafat Ahmed Chaudhry (ASC) had to withdraw the power of attorney on 21.05.2020 in WP No.476/2020 before IHC, when opposite side raised objection that he is also lawyer of Petitioner. (**Annex-D**)



5. Mr. Hafiz Arafat Ahmed Chaudhry (ASC) appeared in PPRA cases and rendered Services as Private Lawyer (Annex-E) in violations of the following august Supreme Court directions and Federal Govt, Policies and relevant rules.

- a) Violation of august Supreme Court directions in a reported Judgment PLC 2017 SC 121, (Rasheed Ahmad v Federation of Pakistan) (Civil Appeal No. 1216/2015) (Annex-F)
- b) Violation of Rules of Business 1973 regarding mandatory consultation with Law and Justice Division in litigation cases. (Annex-G)
- c) Violation of Sectt, Instructions Rules (Appendix-F) INSTRUCTIONS REGARDING THE CONDUCT OF CASES OF THE FEDERAL GOVERNMENT IN COURTS, ETC. (Annex-H)
- d) Violation of Govt, Policy & Guidelines circulated by Law Division through dated 13.01.2010 and 03.01.2015. (Annex-I)
- e) Violation of Rule S.No.9(24) of System of Financial Control & Budgeting 2006. (Annex-J)

6. The Post of full time regular MD (PPRA) remained vacant during the period from 18.04.2020 to 23.07.2020. (Annex-K & L) Hence, No Power of Attorney could have been given from the PPRA Authority with the approval of PPRA Board. The PPRA officers released the Payments of above Three ICAs to Mr. Hafiz Arafat Ahmed Chaudhry, without the permission of Law Division, as well as PPRA Board in the absence of regular full time MD (PPRA).

7. That the appointments of Muhammad Zubair DG (M&E), Mr. Ali Temoor, Deputy Director (HR) and Muhammad Khurshid, DD (Legal) have been challenged through WP No.2498/2019, WP No.4367/2019 and WP No.2410/2019 respectively before Hon'able Islamabad High Court. (Annex-M, M-1, M-2) The relevant officers misguided the competent authority and wrongly interpret the rules and Govt Policies and hired the Mr. Hafiz Arafat Chaudhry, ASC, services as Private Lawyer to defend PPRA officers illegal appointments cases before IHC and paid huge amount of Professional fee from Public Exchequer PPRA Fund without the permission of Law Division and approval of PPRA Board also not obtained.

8. Mr. Hafiz Arafat Ahmed Chaudhry (ASC) appeared on behalf of Secretary to PPRA Board of Directors (BOD) and MD (PPRA) in following cases without the approval of Law Division. (Annex-N)

S.#	Case Number	Engagement of Pvt Lawyer
1	ICA No.71/2020,	Mr. Hafiz Arafat Ahmed Chaudhry, (ASC)
2	ICA No.72/2020,	Mr. Hafiz Arafat Ahmed Chaudhry, (ASC)
3	ICA No.130/2020,	Mr. Hafiz Arafat Ahmed Chaudhry, (ASC)
4	WP-No.2088/2019,	Mr. Hafiz Arafat Ahmed Chaudhry, (ASC)
5	WP No.2089/2019,	Mr. Hafiz Arafat Ahmed Chaudhry, (ASC)
6	WP No.4116/2018,	Mr. Hafiz Arafat Ahmed Chaudhry, (ASC)
7	WP No.3741/2018,	Mr. Hafiz Arafat Ahmed Chaudhry, (ASC)
8	WP No.4274/2018,	Mr. Hafiz Arafat Ahmed Chaudhry, (ASC)
9	WP No.1092/2018,	Mr. Hafiz Arafat Ahmed Chaudhry, (ASC)
10	WP No.1553/2018,	Mr. Hafiz Arafat Ahmed Chaudhry, (ASC)
11	WP No.860/2018,	Mr. Hafiz Arafat Ahmed Chaudhry, (ASC)
12	WP No.3353/2018,	Mr. Hafiz Arafat Ahmed Chaudhry, (ASC)
13	WP No.4176/2018,	Mr. Hafiz Arafat Ahmed Chaudhry, (ASC)
14	WP No.2410/2019,	Mr. Hafiz Arafat Ahmed Chaudhry, (ASC)
15	WP No.4367/2018	Mr. Hafiz Arafat Ahmed Chaudhry, (ASC)
16	WP No.4372/2019.	Mr. Hafiz Arafat Ahmed Chaudhry, (ASC)



9. The Hon'able Supreme Court of Pakistan in SUO MOTO CASE No.4/2016 held as under {SUO MOTO ACTION ON PAYMENT OF RS. 5 CRORE FEE TO VARIOUS ADVOCATES TO DEFEND EX-CHAIRMAN EOBI, MR. ZAFAR IQBAL GONDAL}.

By making reference to Page 12 to C.M.A No.4573/2016, it is pointed out that many Advocates have been paid fees by the EOBI without seeking the requisite permission from the Ministry of Law and, therefore, such payment is absolutely illegal and unauthorised.

Let a notice be issued to all the advocates, whose names find mentioned in Annexures-B Pages 12 to 18 of the noted CMA, to appear before this court and the question whether they were entitled to the said fee or fee has been paid to them in violation of the requisite law and the same is liable to be refund.

10. The august Supreme Court of Pakistan in its reported Judgments PLC 2017 SC 121, (Rasheed Ahmad v Federation of Pakistan) held that Federal Ministries and Departments/regulatory authorities cannot engage the services of Private Lawyers/Counsels and it is the attorney general office which can appear in courts to represents the regulatory authorities and Federation of Pakistan. Supreme Court has held that Federal Ministries and Departments shall be represented in Court only through the Attorney General's Office and its officers. Private Counsels shall not be engaged except with prior permission" The public exchequer is not there to be squandered in this manner"

11. In a reported judgment dated 23.01.2017 (PLC 2017 SC 121) the august Supreme Court set the guidelines regarding hiring of Private Lawyers for Govt, Departments/ organizations on Para No.16 to 24. (Annex-O)

12. In view of above, following actions are requested to Chairman, Pakistan Bar Council Islamabad.

- i) To take notice against Mr. Hafiz Arafat Ahmed Chaudhry, (ASC) Islamabad and initiate Proceedings against him (under Pakistan Bar Council Act 1973 and Legal Practitioners and Bar Council Rules, 1976 (as amended from time to time) on Account of Gross Misconduct and Professional Dishonesty.
- ii) The fee paid to Mr. Hafiz Arafat Ahmed Chaudhry, (ASC) in above referred different 17-Numbers cases of PPRA without the permission of M/o Law, Justice & Human Rights Division and PPRA Board may be recovered from him at the earliest.
- iii) Direct Mr. Hafiz Arafat Ahmed Chaudhry, (ASC) to withdraw the Power of Attorney immediately from all PPRA Pending Cases (Annex-N) before Islamabad High Court (IHC) as he did on 21.05.2020 in WP No.476/2020 (Annex-D) before Islamabad High Court (IHC).
- iv) To cancel the license of Mr. Hafiz Arafat Ahmed Chaudhry, (ASC) permanently after providing an opportunity of personal hearing as per Law.
- v) Direct the Chairman PPRA Board/Secretary, Finance Division to initiate the proceedings of Misconduct against the PPRA officers those are involved in hiring private lawyers without the permission of Law Division.

  
(Saima Tasneem)

Complainant (051-4434447)

R/o House No.894, Service Road, North,  
Sector I/10-2 Islamabad

<b>SUMMARY OF PPRA CASES</b>		
<b>S.#</b>	<b>Case Number</b>	<b>Engagement of Pvt Lawyer Illegally</b>
1	ICA No.71/2020,	Mr. Hafiz Arafat Ahmed Chaudhry, (ASC)
2	ICA No.72/2020,	Mr. Hafiz Arafat Ahmed Chaudhry, (ASC)
3	ICA No.130/2020,	Mr. Hafiz Arafat Ahmed Chaudhry, (ASC)
4	WP-No.2088/2019,	Mr. Hafiz Arafat Ahmed Chaudhry, (ASC)
5	WP No.2089/2019,	Mr. Hafiz Arafat Ahmed Chaudhry, (ASC)
6	WP No.4116/2018,	Mr. Hafiz Arafat Ahmed Chaudhry, (ASC)
7	WP No.3741/2018,	Mr. Hafiz Arafat Ahmed Chaudhry, (ASC)
8	WP No.4274/2018,	Mr. Hafiz Arafat Ahmed Chaudhry, (ASC)
9	WP No.1092/2018,	Mr. Hafiz Arafat Ahmed Chaudhry, (ASC)
10	WP No.1553/2018,	Mr. Hafiz Arafat Ahmed Chaudhry, (ASC)
11	WP No.860/2018,	Mr. Hafiz Arafat Ahmed Chaudhry, (ASC)
12	WP No.3353/2018,	Mr. Hafiz Arafat Ahmed Chaudhry, (ASC)
13	WP No.4176/2018,	Mr. Hafiz Arafat Ahmed Chaudhry, (ASC)
14	WP No.2410/2019,	Mr. Hafiz Arafat Ahmed Chaudhry, (ASC)
15	WP No.1551/2018,	Mirza Waqas Qayyum, Co-Associate of Hafiz Arafat Ahmed Chaudhry, appeared on <u>11.03.2019</u> from Respondent No.4 (Fida Muhammad Wazir MD (PPRA) without submitting Power of Attorney.
16	Appeal No.544-08-2020 (PIC)	Mr. Hafiz Arafat Ahmed Chaudhry, (ASC)
17	WP No.4367/2019	Mr. Hafiz Arafat Ahmed Chaudhry, (ASC)
18	WP No.4372/2019.	Hafiz Arafat Ahmed Chaudhry, (ASC)
19	ICA No.258/2018,	Mr. Abdul Rahim Bhatti, (ASC)
20	ICA No.259/2018	Mr. Abdul Rahim Bhatti, (ASC)
21	WP-No.348/2018,	Mr. Abdul Rahim Bhatti, (ASC)
22	WP-No.578/2018	Mr. Abdul Rahim Bhatti, (ASC)
23	Crl, Org, Petition No.189/2016	Barrister Masroor Ali Shah, (ASC)
24	WP-No.2498/2018,	Illegal Appointment of Muhammad Zubair.
25	WP-No.2203/2020	Illegal Appointment of Muhammad Zubair.
26	WP-No.1391/2020	MD (PPRA) not yet Engaged any Pvt Lawyer.

# **IN THE ISLAMABAD HIGH COURT, ISLAMABAD**

**Writ Petition No. /2021**

**Dr. Rahila Yousuf, W/o Ejaz Rasool, C/o Haji Muhammad Siddque**  
General Store, Street No.10, Mohallah Jhanda Chichi, Rawalpindi.

.....Petitioner

## **Versus**

Federation of Pakistan, through Secretary, Cabinet Division,  
Cabinet Block, Islamabad & Ten (10) Others.

....Respondents

## **I N D E X**

<b>S. No.</b>	<b>Description of Documents</b>	<b>Date</b>	<b>Annex</b>	<b>Page</b>
<b>1</b>	Memo of Writ Petition along with Affidavit.	<b>21.08.2021</b>		<b>1-5</b>
<b>2</b>	Impugned Termination of Service Order.	<b>17.04.2020</b>	<b>A</b>	<b>6</b>
<b>3</b>	Copy of Petitioner's Representation addressed to all Board Members.	<b>19.08.2021</b>	<b>B</b>	<b>7</b>
<b>4</b>	Copy of Pakistan Information Commission order Passed in Appeal No.455-08-2020.	<b>13.01.2021</b>	<b>C</b>	<b>8-18</b>
<b>5</b>	Copy of forged/tempered Minutes of 37 <sup>th</sup> BOD's Meeting submitted by MD in Two WPs No.2088 & 2089 of 2019.	<b>01.04.2019</b>	<b>D</b>	<b>19-22</b>
<b>6</b>	Copy of Actual 37 <sup>th</sup> BOD's Minutes, wherein No delegation on Para No.11 (b) & Para 12, as established in PIC decision dated 13.01.2021 in Appeal No.455-08-2020.	<b>01.04.2019</b>	<b>E</b>	<b>23-26</b>
<b>7</b>	Copy of letter No.7(40)Admn/PPRA/2019.	<b>17.04.2019</b>	<b>F</b>	<b>27</b>
<b>8</b>	Copy of PIC letter to DG FIA.	<b>19.01.2021</b>	<b>G</b>	<b>28</b>
<b>9</b>	Application for Exemption for Certified Copies alongwith Affidavit.	<b>21.08.2021</b>		<b>29-30</b>
<b>10</b>	Power of Attorney (Wakalatnama)	<b>21.08.2021</b>		<b>31</b>

Petitioner

Through

(Riaz Hanif Rahi)  
(Advocate Supreme Court)  
CC-15965

## **Respectfully Sheweth :**

Whenever some offence is committed, the basic principles of criminal jurisprudence require the law to be set in motion either in the form of FIR or recording of 'at once' statement within the meanings of section 200 Cr.P.C, but no action has so far been taken by the competent functionaries although clear evidence of forgery in the form of Pakistan Information Commission (PIC) Inquiry report dated 13.01.2021 is in the knowledge of Hon'able Members of the PPRA Board i.e. Respondents No.2 to 9. Hence, this petition amongst others on the following facts and grounds.

### **FACTS**

1. That the Petitioner was appointed as Deputy Director (Research) in BS-18 and joined services on 16.07.2018 perusing to the order passed by this Hon'able Court and performed her duties diligently till the termination of service vide order dated 17.04.2020.
2. That the termination from service order dated 17.04.2020 has already been impugned by her in WP No.1391 of 2020, which is pending before this Hon'able Court and this petition is being filed under altered circumstances because during the pendency of this petition, Respondent No.11 determined on 13.01.2021 that delegation of power to Respondent No.9 in 37<sup>th</sup> Meeting dated 01.04.2019 was forged under which the petitioner has been terminated. This petition is competent within the meanings of order 23 Rule 1 CPC as the earlier petition would be withdrawn, when it would be fixed or this Hon'able Court may club this fresh one with the already pending petition.
3. That the report/decision of Respondent No.11 dated 13.01.2021 in appeal No.455-08-2020 was duly conveyed officially to the Hon'able Members PPRA Board i.e Respondents No.02 to 09 and time again by the affected persons whose services have been terminated under the guise of delegation of power but even then, the petitioner has moved application/representation on dated 19.08.2021.
4. That the respondent No.11 while exercising the power under Right of Access to Information Act 2017 summoned the record of 37<sup>th</sup> meeting dated 01.04.2019 from all PPRA Board Members during the hearing and found inconsistent with the Minutes of Meeting produced before it by the appellant/complainant and observed in Para 38 of its findings that addition in Para 11 has been made as Para 11 (b) and forged minutes comprises of 04 Pages while original minutes of 03 Pages.
5. That the copy of 37<sup>th</sup> BOD's Minutes of Meeting, which was circulated to all PPRA Board Members and Cabinet Division vide letter No.7(40)/Admn/PPRA/2019 dated 17<sup>th</sup> April, 2019 along with Agenda of 38<sup>th</sup> BOD's Meeting indicates that there is no Para 11(b) & (12) as it is evident from the Para 11 of the Meeting "The meeting ended with a note of thanks to and from the Chair." Hence, there is no Para 11(b) and (12) in the original Minutes of 37<sup>th</sup> Board Meeting which was presented before and approved by the Board.

6. That the forged/tempered minutes of 37<sup>th</sup> BOD's Meeting was prepared on the behest of Respondent No.9 (MD-PPRA) and other officers to mislead the Hon'ble Court for the purpose to take their required result from this Hon'ble Court in respect of termination of services of different Employees during probation period.
7. That the impugned termination order has been passed under extraneous considerations, with malafide intention and against the rule of natural justice and being heard.

Impugned Termination order 17.04.2020, Representation dated 18.08.2021, PIC decision dated 13.01.2021, Forged Minutes of 37<sup>th</sup> Minutes dated 01.04.2019, Actual Minutes of 37<sup>th</sup> BOD meeting dated 01.04.2019, Copy of letter dated 17.04.2019 and letter to DG FIA dated 19.01.2021 are annexed herewith A, B, C, D, E, F and G.

8. That the Petitioner having no other adequate and efficacious remedy in the circumstances, to invoke the Extra-Ordinary Constitutional Jurisdiction of this Hon'ble Court, on inter-alia, the following grounds amongst other:-

### **GROUND**

- A. That the valuable fundamental rights of the petitioner and others terminated employees under Articles 2-A, 4, 9, 10A, 18 and 25 of the constitution have been infringed for the enforcement of which she has approached this Hon'able Court for the 2<sup>nd</sup> time with heavy heart.
- B. That fraud vitiates most solemn transactions is the settled law of the land and in view of the PIC report/decision dated 13.01.2021 attached with this petition, it is established that fraud has been played while passing the impugned termination order dated 17.04.2020 and power exercise by terminating authority is without lawful authority and of no legal effect.
- C. That even otherwise law dislikes exercise of power by a single person i.e. (MD) Respondent No.9 as Section 18 of the ordinance 2002 empowers the Board to appoint and same is the removal authority under section 16 of General Clauses Act 1897. Moreover, removal from office is an administrative decision for which again Board is competent under section 6 (1) of PPRA Ordinance 2002. It has been observed by Supreme Court of Pakistan in Para 47 of its judgment Muhammad Ashraf Tiwana Vs Pakistan 2013 SCMR 1159 in the language :

..... it is a statutory authorization which has been conferred by the legislature on SECP through section 8 *ibid* and cannot be further sub-delegated. As noted above, legislatures in clear terms has required decisions by deliberative and collegiate body, and not by individuals who purport to be delegates or who may personally be members of SECP as a body corporate.....

Thus the learned apex court concluded in different Paras of the Judgment that a discretionary authorization conferred by statute cannot be delegated and under the Act the hiring and firing of employees is a decision which the SECP alone can take and that too through a collective and deliberative exercise.

- D. That the observation of PIC in its report dated 13.01.2021 are with regard to the forgery and deliberate attempt to deprive the meritorious and upright employees and attempt to accommodate blue eyed people of personal choice and Para 42 to 44 denote the commission of offence.
- E. That in the same judgment the learned apex court has further made section 24A of General Clause Act 1897 as relevant against the arbitrary or mindless termination on the basis of personal likes, whims and fancies. Thus the termination of service order is violative of section 24A of General Clauses Act 1897.

### **P R A Y E R**

In view of the foregoing facts, it is most respectfully prayed that :

- i) Report may please be requisition from Respondent No.2 to 8 as to what steps they have taken for the implementation of PIC report/ decision dated 13.01.2021.
- ii) Decide the Petitioner's Representation dated 19.08.2021.
- iii) Set aside Termination Order dated 17.04.2020 as passed without jurisdiction and of no legal affects.
- iv) Restore the Petitioner to her earlier position before termination with all back benefits.
- v) The cost of this constrained litigation through this Writ Petition for protection of legal and Fundamental Rights of the Petitioner as the citizen of Pakistan may also be awarded.

Any other relief equitable and just to which the Petitioner may be found entitled to in the circumstances may very kindly also be granted.

**Petitioner**

**Through:**

**(Riaz Hanif Rahi)**  
**(Advocate Supreme Court)**  
**CC-15965**

**Certificate:** Petitioner's WP No.1391/2020 (titled Dr. Rahila Yousuf Vs FOP & others) against the impugned order dated 17<sup>th</sup> April, 2020 is also pending before Hon'able Justice Aamer Farooq.

**Counsel**