



**TRANSPARENCY
INTERNATIONAL-PAKISTAN**

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26th June, 2018

TL18/2606/1A

Justice (R) Javed Iqbal,
Chairman,
National Accountability Bureau,
Islamabad.

Sub: Complicity of NAB in Saving Illegal Appointees in Defiance of Supreme Court Orders.

Dear Sir,

Transparency International Pakistan refers to the C.M.A submitted in the Supreme Court of Pakistan on behalf of Secretary Establishment Division in Suo Moto No. 13/ 2016, on 17th May 2018. TI Pakistan is also a party in this SMC Case vide CMA No. No. 5887 of 2016.

Full 3 member bench of Hon'ble Supreme Court of Pakistan under Justice Hani Muslim on 31.3.2016 has passed a comprehensive judgment in this SMC No. 13/2016.

Paragraphs 18 of the Judgment is relevant for commitment Chairman NAB has given in the Supreme Court regarding action against the officers who lacked the required qualifications at the time of their appointments;

“18. Chairman NAB, appeared in Court and was confronted with his opinion about those officers who did not have the requisite academic qualifications for their appointment and are serving in NAB, and why these officers had not been de-notified as yet. In response to this he stated that he agreed that the qualification/criteria prescribed in the TCS and the MAQ cannot be compromised, therefore, the officers who lacked the required qualifications at the time of their appointments, should indeed be de-notified.”

Under this Court Order, one category of over 4 illegal appointees serving in BPS 20 as Director Generals were removed from NAB services.

The remaining officers who were to be assessed with regard to multiple aspects particularly possession of relevant experience (in criminal cases investigation), qualifications, and compliance to appointment procedure.

Supreme Court in the same Judgment had also directed to form a high profile committee headed by Secretary Establishment to check the appointments and submit action taken by NAB on the report in the matters where appointments are found illegal / irregular. Paragraph 31(II) 32 are quoted below. ✓



“II. On the issue of requisite experience in the initial appointments in the NAB, the Secretary, Establishment Division, had noticed 96 officers who lacked the requisite experience and he suggested, with the consent of the Chairman, NAB, that a committee be formed to examine the issue. The list of these officers was placed separately by the Secretary, Establishment Division, which was taken SMC.13/2016 22 on record. We agree with this suggestion and constitute such Committee, which shall be headed by Syed Tahir Shahbaz, Secretary, Establishment Division, who shall be its Chairman and its Members shall be Mr. Muhammad Shakeel Malik, Director General (H.R), NAB and one Member of the Federal Public Service Commission to be nominated by the Chairman, FPSC. The Chairman, FPSC, shall notify the Member for the purpose of joining the Committee within one week from today. III. The Chairman NAB/Competent Authority shall issue notices to all these officers to appear before this Committee.

The Committee after affording them an opportunity of a hearing, shall record its findings within two months and the findings shall be acted upon by NAB.

32. As regards the officers namely Maj (R) Syed Burhan Ali, Maj (R) Tariq Muhammad, Maj (R) Shabbir Ahmed and Ms. Aliya Rasheed, they were not qualified to hold the respective posts in NAB. They shall therefore be denotified immediately.”

Since this SC Order dated 31.3.2016, the illegal appointees have misused NAB’s clout to and managed to seek favor through members of committee for last 15 months, to save their appointments somehow or delay it further.

This report indicates that 7 to 8 officer of BPS 21 have been allowed by the Committee to obtain new Experience Certificates for their old parent departments (whose officers are facing corruption inquiries by NAB). These department have under duress have given these NAB officers certificate to suit NAB required experience.

The illegal appointees like DG NAB Karachi Mr. Altaf Bawany who was a ministerial staff in Board of investment and got out of turn promotion for being blue eyed to then Director of above named autonomous body. Not only that he got direct appointment in grade 21 in NAB in a questionable manner. How is it possible for a ministerial staff to attain such fortune without favoritism and illegality?

Similarly, appointment of DG NAB Lahore Maj (R) Saleem Shehzad is ostensible illegal on single account of not possessing master degree at the time of appointment by transfer / absorption initially. Though, appointment by transfer / absorption both have been declared illegal by Hon’ble Supreme Court of Pakistan in Judgments reported vide 452 SCMR 2013 & 456 SCMR 2015, respectively. What else could be the proof that he did his master degree after joining NAB from Al Khair University Azad Kashmir. Whereas, he ought to possess it well before his induction in NAB?

In the same manner a number of other officers lacking experience, which they have not been able to prove to have it initially at the time of appointment, are named in fresh report submitted in Supreme Court by committee. Surprisingly, they have been given chance through ✓



manipulation to bring a revised letter to experience in 2016-2018, from their parent departments, which by and large are already dragged in NAB on one or other account. How is it not conflict of interest and sheer illegality?


Instead of taking action to remove them from appointments, NAB officers have misled the Chairman NAB and also Supreme Court in the garb of " pendency " of matter in Court.

However, fact remains that action on their illegible experience was already decided under SC Order dated 31.3.2016. Such deliberate omission by NAB is squarely a mockery and misuse of authority to favor the beneficiaries.

You are therefore requested to take immediate action on these illegal appointees, in the interest of credibility of NAB itself.

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

With Regards,



Sohail Muzaffar
Chairman

Encl: List of officers submitted in SC by Establishment Division.

Copy forwarded for necessary action as per rules to,

1. Secretary to the Prime Minister, Islamabad.
2. Prosecutor General, Nab, Islamabad.
3. Federal Minister of Law, Govt. of Pakistan, Islamabad.
4. Registrar, Supreme Court of Pakistan, Islamabad to be presented to Chief Justice in CMA.
No. 5887 of 2016.

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

C.M.A on behalf of Secretary
Establishment Division

CMA No. _____/2018
In
C.M.A No. 6541/2017
In
Suo Moto No. 13/2016

(SUO MOTO ACTION AGAINST ILLEGALITIES, CONTRAVENTIONS AND
VIOLATIONS IN APPOINTMENTS WITHIN NAB)

Counsel for the Federation

Additional Attorney General
With Syed Rifaqat Hussain Shah,
AOR

INDEX

SR. NO.	DESCRIPTION OF DOCUMENTS	DATE	Annex	PAGE NO.	
1.	CMA	17-05-2018		A	
2.	Committee's Report	-		1-61	
3.	Section 28(a) of NAO 1999	-	I	62	
4.	Sections 3.09, 3.10 & 3.11 of NAB Employees TCS, 2002	26-10-2002	II	63-64	
5.	Qualifications of initial appointment in MAQ 2002	26-10-2002	III	65-72	
6.	Amendment MAQs 30-10-2015 (SRO) initial appointment in MAQ	30-10-2015	IV	73-83	
7.	Mr. Zahir Shah	Advertisement	11-08-2003	V	84
		Corrigendum	03-09-2003	VI	85
		Experience letter	29-03-2004	VII	86-87
		NAB's letter No. 1(10) 2015 / Rect and TCS,	09-11-2016	VIII	88
		Experience certificate issued by Office of the Director General, Commerce Education and Management Sciences KP	10-04-2017	LX	89
8.	Brig (R) Farooq Naser Awan	Experience certificate issued by Office of the Director General Engineers, GHQ, Rawalpindi	08-12-2016	X	90
		Certificate issued by the Military Secretary Branch, GHQ, Rawalpindi.	02-05-2017	XI	91

9.	Mr. Mohammad Altaf Bawany	Experience letter issued by Board of Investment, Government of Pakistan	31-01-2004	XII	92
		Experience letter issued by Board of Investment, Government of Pakistan	31-03-2004	XIII	93
		Experience certificate issued by Director General Board of Investment.	01-12-2016	XIV	94
		Experience certificate issued by Ex-Executive Director General Board of Investment.	14-12-2016	XV	95
10.	Mr. Humain Ahmad	Experience letter issued by office of the Chief Engineer Highways (C&W), Govt. of the Punjab	03-04-2004	XVI	96
11.	Mr. Atiq ur Rehman	Experience certificates issued in continuation of certificate dated 01-04-2004 issued by Directorate General, Agriculture, Govt of the Punjab	01-04-2004	XVII	97-98
		Experience certificates issued by Directorate General of Industries, Prices, Weights and Measures, Govt. of the Punjab.	02-12-2016	XVIII	99
12.	Mirza Sultan Muhammad Saleem	Experience certificate issued by the SNGPL	05-04-2004	XIX	100-101
		Experience certificate issued by Directorate General Punjab Housing and Town Planning Agency, Lahore	12-12-2011	XX	102-103
13.	Mr. Farman Ullah	Experience certificate issued by Physical Planning and Housing Department, Govt of KP, Peshawar	31-08-2001	XXI	104-105
		Experience certificate issued by Frontier Highways Authority, Govt of KP, Peshawar.	02-04-2004	XXII	106
		Experience certificate issued by Physical Planning and Housing Department, Govt of KP.	31-12-1998	XXIII	107
14.	Mr. Fayyaz Ahmed Qureshi	Experience certificate issued by HR Department of Karachi Port Trust	07-02-2004	XXIV	108
		Experience certificate issued by HR Department of Karachi Port Trust	02-04-2004	XXV	109
		Experience certificate issued by the Office of the Chief Engineer Education Works, Hyderabad Govt. of Sindh	13-12-2016	XXVI	110
		Experience certificate issued by Mehran University of Engineering and Technology, Sindh	04-05-2017	XXVII	111

15.	Mr. Masood Alam	Advertisement	20-02-2003	XXVIII	112
		Experience Certificate issued by Director Resource Cell WAPDA, Lahore	31-03-2017	XXX	113
16.	Mirza Muhammad Irfan Baig	Experience certificate issued by the Federal Bureau of Statistics	21-02-2004	XXX	114
		Experience certificate issued by the Pakistan Bureau of Statistics	09-11-2016	XXXI	115
17.	Mr. Nauman Aslam	Experience certificate countersigned by Executive Engineer Civil "C" Div. (GSC), NTDC, Islamabad	-	XXXII	116
18.	Affidavit of Fact		17-05-2018	-	117

Certified that the paper book as bound is complete and correct.

(Syed Rifaqat Hussain Shah)
Advocate on Record

Dated: 17-05-2018