

20th October, 2023

TL2023/1020/1A

Managing Director,
Pakistan Television Corporation PTVC,
TV Centre,
Lahore.

Subject: Allegations of Violation of Supreme Court of Pakistan Orders 2018 and Cabinet Secretariat (Establishment Division) Management Position Scales, 2020/2021 in Recruitment of Anchors for 03 Programmes on Monthly Consolidated Emoluments of Rs. 750,000/- (Seven Hundred & Fifty Thousand Only) each on Contract Basis for a period of (03) Years, With Effect from 11.09.2023

Dear Sir,

Transparency International Pakistan has received a complaint on the allegation of violation of Supreme Court of Pakistan Orders 2018 and Cabinet Secretariat (Establishment Division) Management Position Scales, 2020/2021 in Recruitment of Anchors for 03 Programmes on Monthly Consolidated Emoluments of Rs. 750,000/- (Seven Hundred & Fifty Thousand Only) each on Contract Basis for a period of (03) Years, With Effect from 11.09.2023. **(Annex-A)**

The complainant has made the following allegations;

That;

1. PTV has hired 03 Anchors for 03 different programmes on monthly consolidated Emoluments of Rs. 750,000/- (Seven Hundred & Fifty Thousand Only) each on a Contract Basis for a period of (03) Years, without any advertisement and open competition.
2. The hiring for the above mentioned positions on salary Rs. 750,000/- each is done on favoritism as it is against the Cabinet Secretariat (Establishment Division) Management Position Scales, 2020/2021 Rules.
3. PTV will be paying a total of 81 million to the three anchors during the three years which is a huge loss to the national exchequer as the recruitment procedure is devoid of any rules and regulations.

Transparency International Pakistan Comments

Transparency International Pakistan has reviewed the allegations of the complainant, prima facie allegations seem correct. Following are TI Pakistan comments:

1. PTV is a government entity and as per the appointment rules, all appointments are to be made in accordance with the transparent procedures by advertising vacancies in newspapers, which must include qualifications, experience, age limit, salary etc.
2. The Supreme Court of Pakistan in Human Rights Case No. 3654 of 2018 declared the appointment and monetary benefits bestowed upon the former chairperson and managing director of Pakistan Television (PTV), as illegal and ordered to make recovery, quoted below:

*“Taking into account the lapses and illegal actions committed by Mr. Qasmi as a Director and the Chairman of PTV, Mr. Pervaiz Rashid, Minister for Information, Mr. Ishaq Dar, Finance Minister and Mr. Fawad Hasan Fawad, Secretary to the PM, we hereby direct that the amount of Rs.197,867,491/- be recovered from them in the ratio stated in paragraph No.35 of this opinion; and...” **(8.11.2018) (Annex-B)***



3. The Cabinet Secretariat (Establishment Division) Management Position Scales, 2020/2021 determines the procedure for the appointment for posts in autonomous/semi-autonomous bodies, corporations public sector companies, etc owned and managed by the federal government (Annex-C).
4. The recruitment at the salary of Rs. 750,000 per month falls under the scale MP-I, MP-II, MP-III and must be done in line with the Management Position Scales Policy 2020/2021 for Contractual Appointments issued by Cabinet Secretariat (Establishment Division) dated 12th January 2021 (Annex-D).
5. The monthly remuneration is Rs. 750, 000/- whereas the scale is also not identified.

Transparency International Pakistan Recommendations

Transparency International Pakistan requests the Managing Director, PTV to examine the allegations and if found correct, issue directives for the cancellation of the recruitment order and ensure compliance with the Supreme Court of Pakistan orders and the Cabinet Secretariat (Establishment Division) latest office memorandum Management Position Scales Policy, 2020/2021 for Contract Appointment for Posts in Autonomous/ Semi-Autonomous Bodies, Corporations, Public Sector Companies etc, Owned and Managed by the Federal Government for appointment of Anchors by publicly advertising the positions and ensuring competitive procedure.

Transparency International Pakistan is striving for across the board application of Rule of Law, which is the only way to stop corruption, and achieve against Zero tolerance against corruption

Regards

Advocate Daniyal Muzaffar,
Trustee/Legal Advisor
Transparency International Pakistan

Copies forwarded for information with request to take action under their mandate:

1. Principal Secretary to Caretaker PM, PM House, Islamabad.
2. Secretary, M/o Information & Broadcasting, Islamabad.
3. Chairman, Prime Minister Inspection Commission, PMIC, Islamabad.
4. Chairman, NAB, Islamabad.
5. Managing Director, PPRA, Islamabad.
6. Registrar, Supreme Court of Pakistan, Islamabad.

Note:

This is to clarify that Transparency International Pakistan is not a complainant, it acts as a whistleblower and operate under Article 19-A, of the Constitution of Pakistan which gives the right to public to know how government is being run by public officers. Article 19-A makes the right to access of information pertaining to a public authority a fundamental right, and a three member bench in case of Mukhtar Ahmad Ali vs the Registrar, Supreme Court of Pakistan, Islamabad, headed by Chief Justice Qazi Faez Isa in the landmark judgment on 16 October 2023, in CP No. 3532/2023, has declared that

“What previously may have been on a need-to-know basis Article 19A of the Constitution has transformed it to a right-to-know, and the Access to information is no longer a discretion granted through occasional benevolence, but is now a fundamental right available with every Pakistani which right may be invoked under Article 19A of the Constitution”



Try again

(A)

PAKISTAN TELEVISION CORPORATION LIMITED

Federal TV Complex
Constitution Avenue
F-5/1, Islamabad

September 26, 2023

Ref.No. HP/107/152/B/571

Syed Imran Shafiq
House No. 06, Cali No. JS,
Mohalla Gulshan Park, Mughalpur,
Lahore Cantt. District
Lahore

Sir,
The Management is pleased to engage you as Anchor for Current Affairs (on contract) against Current Affairs Budget for programmer (MAEN) TV Centre, Lahore on monthly consolidated emoluments of Rs. 750,000/- (Seven Hundred & Fifty Thousand Only) initially for a period of (03) year, with effect from 11.09.2023 on the following terms and conditions:-

- i) You will not be entitled to any other facility or benefits at office or residence except the above mentioned consolidated emoluments.
- ii) Your engagement with PTV is purely on temporary basis and shall be terminable on one month notice from either side.
- iii) You will not engage yourself in any work or carry out any other assignment direct or indirect for any other agency/organization in any capacity, failing which your contract shall be terminable without any notice.
- iv) You shall be subject to all rules and regulations of the Corporation prevailing for the time being and coming into force from time to time.
- v) This contract will not entitle you to any claim for regular appointment at a subsequent stage.
- vi) You will promote your Programme on Social Media platform.
- vii) You will promote the Social Media posts of PTVC.
- viii) You will perform the Programmes in addition to your stipulated job as and when required by the PTVC.
- ix) Your employment is subject to the verification of your educational documents and security clearance from the relevant authorities. If the aforesaid requirements are not fulfilled or any variance is found then the employment will stand revoked from the date of the employment and you will be liable to return the salaries/benefits received.

02. If the above terms and conditions are acceptable to you, please return a signed copy of this letter as a token of your acceptance and report for duty to General Manager, TV Centre, Lahore.

03. This Supercedes office order No. HP/107/152/B/571, dated 11.09.2023

04. This Issued with the approval of the Managing Director.

(Signature)
General Manager
TV Centre, Lahore

- Copy to:-
- 1. General Manager, TV Centre, Lahore
 - 2. Executive Manager (A&B), TV Centre, Lahore
 - 3. Executive Manager (Finance), TV Centre, Lahore
 - 4. Personal File
 - 5. Office Copy

37. To recapitulate:-
- i. Mr. Qasmi's appointment as a Director and the Chairman of PTV is declared to be illegal and without any lawful effect;
 - ii. The payment of salary and the benefits/allowances to Mr. Qasmi was unlawful and unauthorized. He was not entitled to such payments and cannot retain the same;
 - iii. On account of lack of fiduciary behavior, Mr. Qasmi is declared to be ineligible to be appointed as a Director of any company from the date of this judgment onwards;
 - iv. The administrative actions taken by Mr. Qasmi are beyond the scope of duties of a Chairman, therefore all such orders passed by him during his tenure are declared to be illegal and void *ab initio*;
 - v. Taking into account the lapses and illegal actions committed by Mr. Qasmi as a Director and the Chairman of PTV, Mr. Pervaiz Rashid, Minister for Information, Mr. Ishaq Dar, Finance Minister and Mr. Fawad Hasan Fawad, Secretary to the PM, we hereby direct that the amount of Rs.197,867,491/- be recovered from them in the ratio stated in paragraph No.35 of this opinion; and
 - vi. The Federal Government is directed to appoint a full-time MD of PTV (*if the position is still vacant*) after fulfilling all legal, procedural and codal formalities, strictly in accordance with law.

This matter is disposed of in the aforementioned terms.

CHIEF JUSTICE

JUDGE

JUDGE

Announced in open Court
on 8.11.2018 at Islamabad
Approved for Reporting
M. Ashar Malik

GOVERNMENT OF PAKISTAN
CABINET SECRETARIAT
ESTABLISHMENT DIVISION

318)

No. 1/3/2020-E-6

Islamabad, the 12th January, 2021

OFFICE MEMORANDUM

Subject: MANAGEMENT POSITION SCALES POLICY, 2020-Amendment

The undersigned is directed to refer to this Division's O.M. No. 1/3/2020/E-6 dated 16.09.2020 and state that with the approval of the Prime Minister, following amendments have been made to the Management Positions Scales Policy-2020 issued vide the O.M. referred above,

- i. The existing sub-para "(xiv)" in para 6 has been renumbered as "(xiv)-A"; and,
 - ii. After renumbering of sub-para (xiv) as aforesaid, the following new sub-para (xiv)-B, has been inserted:
"(xiv)-B Prior to submission of the case for orders of the Prime Minister, in terms of sub-para (xiv)-A above, the Division concerned shall send the case to Establishment Division for consideration and recommendations by the Committee consisting of the following:
 - a) Secretary, Establishment Division (Convener)
 - b) Secretary, Cabinet Division
 - c) Secretary, Finance Division
 - d) Deputy Chairman Planning Commission
 - e) Secretary, Law and Justice Division
 - f) Any member to be co-opted by the Committee"
2. The said amendments along with updated policy (enclosed) are circulated for information and necessary action.

(Zain Aziz)
Section Officer (E-8)
Tele: 9102460

The Secretaries/Additional Secretaries In-charge,
All Ministries/Divisions,
Government of Pakistan,
ISLAMABAD/RAWALPINDI

5.	Leave	The incumbent shall earn leave on full pay @ 3 days per month on annual basis and the leaves earned shall be availed during the currency of the year. Title of Leave will neither be carried over to the next year in case of non-availing nor will it be encashed.	The incumbent shall earn leave on full pay @ 3 days per month on annual basis and the leaves earned shall be availed during the currency of the year. Title of Leave will neither be carried over to the next year in case of non-availing nor will it be encashed.	The incumbent shall earn leave on full pay @ 3 days per month on annual basis and the leaves earned shall be availed during the currency of the year. Title of Leave will neither be carried over to the next year in case of non-availing nor will it be encashed.
6.	Discipline	As applicable in case of contract employees.	As applicable in case of contract employees.	As applicable in case of contract employees.
7.	Appointing Authority	Prime Minister on the recommendations of the Selection Committee. Annual extension in contract will also be given by Prime Minister on recommendations of Performance Evaluation Committee.	Prime Minister on the recommendations of the Selection Committee. Annual extension in contract will also be given by Prime Minister on recommendations of Performance Evaluation Committee.	Prime Minister on the recommendations of the Selection Committee. Annual extension in contract will also be given by Prime Minister on recommendations of Performance Evaluation Committee.

6. Miscellaneous:

- i). Unless any other law/ rules, for the time being in force, provide otherwise, regular Civil Servant / Government Servants shall not be substantively posted against MP Scale Positions.
- ii). Civil Servants / Government Servants may, however, subject to eligibility, apply for these positions, through proper channel.
- iii). Subject to provisions of (i) above, in case a Civil Servant/ Government Servant is selected through competitive process against any such position, he/she shall either resign from Government Service or seek early retirement, severing his / her connection / lien with their parent cadre / Ministry /Division / organization, etc., before joining the MP Scale Position.
- iv). The persons being employed under MP Scales shall submit to the government an affidavit declaring their non-involvement in any other relevant business /job which may tantamount to conflict of interest.
- v). The persons already employed on MP Scale positions and are holding the MP Scale position on the date of commencement of this policy, shall henceforth be governed under the MP Scales Policy, 2020 in all matters including but not limited to tenure, performance evaluation and contract extension, etc. as the case may be. The tenure of the incumbents in all such cases shall be reckoned from the date of their initial appointment on MP Scale whether made through competitive process or otherwise [:

Provided that the tenure of appointment, as contained in the terms and conditions of the incumbent(s) determined at the time of their initial appointment, shall in no case be construed to be automatically extended to three (03) years from the date of initial appointment of such incumbents:

