

14th February, 2023

TIP23/1402/1A

Dr. Syed Tauqir Hussain Shah,
Principal Secretary to the Prime Minister,
Prime Minister House,
Islamabad

(For attention of Prime Minister/Minister Petroleum)

Subject: Allegations of Violation of Supreme Court of Pakistan Orders 2018 and Cabinet Secretariat (Establishment Division) Management Position Scales, 2020/2021 in Advertisement for Energy Sector Specialist by the Ministry of Energy (Petroleum Division), Advertisement dated 12th February 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 Advertisement for Energy Sector Specialist by the Ministry of Energy (Petroleum Division), Advertisement dated 12th February 2023

The complainant has made the following allegations;

That;

1. On 5th February 2023, the Ministry of Energy (Petroleum Division) gave advertisement for hiring of Energy Sector Specialist, with the following requirements: i) minimum 35 years of professional experience, (ii) Masters in Engineering (iii) Total Quality Management) as an added advantage(iv) age limit 65 years (**Annex-A**).
2. But, on 12th February 2023, the Ministry of Energy (Petroleum Division) after thought of new requirements, issued a corrigendum with the revised requirements: 1) experience reduced from 35 to 30 years (ii) qualification reduced from Masters in Engineering to Bachelors in Mechanical Engineering (iii) (iv) Total Quality Management) as an added advantage (iv) age limit enhanced from 65 to 68 years (**Annex-B**).
3. The maximum age limit for appointment in GoP of 65 or even 68 years are illegal, and in violation of the Cabinet Secretariat (Establishment Division) Management Positions Scales Notification 2020/2021, which explicitly declares a govt appointee can not serve over age of 65 years.
4. The selection criterion in the advertisement is tailor made for a particular person to suite his/her qualifications/experience/age and based on nepotism, and partiality and is drafted to that pre-selected candidate who has Bachelors degree in Mechanical Engineering, 68 years age bracket and 30 years of experience.
5. The advertised position of Energy Sector Specialist is for a contractual period of 1 year which means the person hired with 68 years of age will be 69 years during one year of appointment, which is against maximum age of 65 years.



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. The Supreme Court of Pakistan in Human Rights Case No. 3654 of 2018 declared the appointment (above 65 years of age) 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-C)

2. The Cabinet Secretariat (Establishment Division) Management Position Scales, 2020/2021 determines that maximum age for appointment for posts in autonomous/semi-autonomous bodies, corporations public sector companies, etc owned and managed by the federal government for a period of (03) years cannot be above 62 years **(Annex-D)**.
3. The advertised position of Energy Sector Specialist is for a contract period of 1 year, and the maximum required age cannot be above 64 years. However, Ministry of Energy has advertised maximum age of 68 years.
4. The advertisement also does not clarify the scale of the Energy Sector Specialist, i.e., MP-I, MP-II, MP-III which is the requirement of the Management Position Scales Policy 2020/2021 for Contractual Appointments issued by Cabinet Secretariat (Establishment Division) dated 12th January 2021.
5. The monthly remuneration advertised is Rs. 500, 000/- whereas the scale is not identified.
6. The basic requirement of only one degree Bachelors in Mechanical Engineering with 30 years of experience may be upgraded as per the requirement of different scales such as MP-I which is Ph.D in relevant subject(s) with 14 years professional experience or Masters in relevant subject with 18 years post qualification experience in the relevant field **(Annex-E)**.

Transparency International Pakistan Recommendations

Transparency International Pakistan requests the Prime Minister to examine the allegations, if found correct, order Ministry of Energy (Petroleum Division) to follow 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 Energy Sector Specialist, by amending the advertisement for qualification, maximum age limit and experience, and extend the last date of applications by 15 days after the revised advertisement is published in Media.

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. Secretary, Ministry of Petroleum, Islamabad
2. Secretary, Ministry of Energy, Islamabad
3. Chairman, NAB, Islamabad
4. Chairman, PMIC, PM House, Islamabad
5. 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, Justice Syed Mansoor Ali Shah in his landmark judgment in case of Ataullah Malik v. Federation of Pakistan includes following order.

Right to information is another corrective tool which allows public access to the working and decision making of the public authorities. It opens the working of public administration to public scrutiny. This necessitates transparent and structured exercise of discretion by the public functionaries. Article 19-A empowers the civil society of this country to seek information from public institutions and hold them answerable. PLD 2010 Lahore 605.



Government of Pakistan Ministry of Energy (Petroleum Division)

JOB OPPORTUNITIES

The Directorate General of Petroleum Concessions, Ministry of Energy (Petroleum Division) is seeking applications from suitable Pakistani candidates for following positions on one year contract basis:-

S. No.	Name of Post	Qualification	Experience	Max: Monthly Lump Sum Remuneration	Max: Age
1	Monitoring Officer (SDU)	Bachelors in Geographical Information Systems from any HEC recognize institute / university / college. International degree in the relevant field will be preferred.	<ul style="list-style-type: none"> Graduate having the following skillset: <ul style="list-style-type: none"> • ArcGIS • QGIS • HTML • TerrSet • Google Earth Engine • Web Programming 	100,000/-	35
2	Monitoring Officer (SDU)	Masters in Management Sciences from any HEC recognize institute / university / college. International degree in the relevant field will be preferred.	<ul style="list-style-type: none"> Masters having the following skillset: <ul style="list-style-type: none"> • SPSS • ZoomInfo • HTML • SEO • Peoples Management 	150,000/-	35
3	Energy Sector Specialist	Masters in Engineering from any HEC recognized institute / university / college. M.S. / M. Phil. (Total Quality Management) from any HEC recognized institute / university will be preferred as an added advantage.	<ul style="list-style-type: none"> Minimum 35 years varied professional experience at national / international corporate entities in the following fields: <ul style="list-style-type: none"> • Engineering • Quality Control • Contract Management • Energy Excellent social communication and presentation skills including online presentation skills. Strong Grip of Petroleum / Energy Policies / Rules / Dynamics with reference to financial aspects. 	500,000/-	65

- The initial period of contract will be one year which may be extended subject to requirement and satisfactory performance.
- Maximum age will be counted from DoB as per CNIC, upto 15th day of the advertisement. Similarly minimum relevant experience will be counted from 1st day of relevant experience after date of announcement of relevant degree.
- Government servants, and employees of corporate / autonomous / semi-autonomous bodies may apply through proper channel.
- Interested candidates are advised to submit their complete CV clearly indicating their relevant *qualifications (with passing year / month), experiences (period of service against each position) and biodata* along with one colour passport size photograph, within fifteen (15) days of the publication of this advertisement. *Incomplete, and late applications will not be considered at all.* Applications submitted On-line through emails or other electronic means will also not be considered at all.
- Applications may be addressed to the Director General of Petroleum Concessions, Petroleum House, 3rd Floor, Attaturk Avenue, G-5/2, Islamabad.
- Only shortlisted candidates will be called for interview. No TADA will be paid for interview.
- The Department reserves the right to accept or reject any / all applications without assigning any reason.
- The Department reserves the right to withdraw / increase number of vacancies against the advertised positions.
- For any queries contact Mr. Muhammad Arif Baig, Assistant Director (Employment & Training) on Landline: 051-9207724, email @ dgpcdnet@gmail.com.

ALE
 sale on "As is
 sold (UBL) Head

Model	Quantity
6	1
4	2
11	2
15-2016	19
2014	2
11	1
14	1
Total	28

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Government of Pakistan
 Ministry of Energy (Petroleum Division)

JOB OPPORTUNITIES
CORRIGENDUM

The Corrigendum is being issued with reference to the advertisement titled "Job Opportunities" (PID Reference No. PID(I) 4830/22) published in (inter alia) Jang newspaper dated 05 February, 2023. The qualification, experience and age limit for the position of Energy Sector Specialist at Serial No.03 may be read as under:-

S. No.	Name of Post	Qualification	Experience	Max. Monthly Lump Sum Remuneration	Max. Age
3	Energy Sector Specialist	Bachelors in Mechanical Engineering from any HEC recognized Institute / university / college. M.S. / M.Phil. (Total Quality Management) from any HEC recognized institute / university will be preferred as an added advantage.	<ul style="list-style-type: none"> • Minimum 30 years varied professional experience at national/international corporate entities in the following fields:- • Engineering • Quality Controls • Contract Management • Energy • Excellent Social, Communication and Presentation Skills including online presentation skills. • Strong Grip of Petroleum / Energy Policies / Rules / Dynamics with reference to financial aspects 	Rs.500,000/-	68

The other contents of the advertisement will remain the same.

(KASHIF ALI)
 DIRECTOR GENERAL
 DIRECTORATE GENERAL
 (PETROLEUM CONCESSIONS)
 ISLAMABAD

PID (I) No. 4980/22

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

322)

- iv). These Performance Evaluation Reports shall be placed before the Performance Evaluation Committee for review / consideration at the time of contract extension.
- v). The Performance Evaluation Committee subject to satisfactory performance review of the incumbent may recommend to the appointing authority for extension in the contract of the incumbent.

5. Terms and Conditions:

S. No.	Description	MP-I	MP-II	MP-III
1.	Required Educational Qualification and Experience	Ph.D in relevant subject(s) with 14 years [] ² professional experience or Masters in relevant subject(s) with 18 years-experiences in the relevant field.	Ph. D in relevant subject(s) with 10 years [] ³ professional experience in the relevant field or Masters in relevant subject(s) with 14 years-experience in the relevant field,	Ph. D in relevant subject(s) with 06 years [] ⁴ professional experience in the relevant field or Masters in relevant subject(s) with 10 years-experience in the relevant field.
2.	Age Limit	[] ⁵ Maximum=62 (to be calculated as on the closing date of submission of applications)	[] ⁶ Maximum=62 (to be calculated as on the closing date of submission of applications)	[] ⁷ Maximum=62 (to be calculated as on the closing date of submission of applications)
3.	Tenure of contract	Initially for a period of three (03) years further extendable for a maximum period of two (02) years on annual (yearly) basis subject to satisfactory performance.	Initially for a period of three (03) years further extendable for a maximum period of two (02) years on annual (yearly) basis subject to satisfactory performance.	Initially for a period of three (03) years further extendable for a maximum period of two (02) years on annual (yearly) basis subject to satisfactory performance.
4.	Termination of contract	On completion of tenure or one month's notice from either side. In case of notice by the concerned Ministry/Division, it shall be after approval of the appointing authority. In case of proceedings under para-6 (viii & ix) of the policy ibid, the condition of one month's notice shall not be required.	On completion of tenure or one month's notice from either side. In case of notice by the concerned Ministry/Division, it shall be after approval of the appointing authority. In case of proceedings under para-6 (viii & ix) of the policy ibid, the condition of one month's notice shall not be required.	On completion of tenure or one month's notice from either side. In case of notice by the concerned Ministry/Division, it shall be after approval of the appointing authority. In case of proceedings under para-6 (viii & ix) of the policy ibid, the condition of one month's notice shall not be required.

²Words "Post qualification" deleted vide Establishment Division's O.M. No. 1/3/2020-E-6, dated 05.08.2020.

³Words "Post qualification" deleted vide above referred O.M. dated 05.08.2020.

⁴Words "Post qualification" deleted vide above referred O.M. dated 05.08.2020.

⁵Words "Minimum age=45" deleted vide above referred O.M. dated 05.08.2020.

⁶Words "Minimum age=40" deleted vide above referred O.M. dated 05.08.2020.

⁷Words "Minimum age=35" deleted vide above referred O.M. dated 05.08.2020.

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: