

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

Present

Mr. Justice Iftikhar Muhammad Chaudhry, CJ.
Mr. Justice Muhammad Sair Ali
Mr. Justice Ghulam Rabbani
Mr. Justice Khalil-ur-Rehman Ramday

SMC NO. 18 OF 2010

ACTION REGARDING VIOLATION OF PUBLIC
PROCUREMENT RULES, 2004 IN PROCUREMENT
LOSS OF BILLIONS OF RUPEES OF PUBLIC
EXCHEQUER CAUSED BY NATIONAL INSURANCE
COMPANY LTD.

On Court notice:	Moulvi Anwarul Haq Attorney General for Pakistan
For NICL:	Mr. Abdul Hafeez Pirzada, Sr. ASC Mr. Tariq Iqbal Puri, CE TDAP Acting Chairman, NICL
For M/o Commerce:	Mr. Zafar Mehmood, Secretary
For M/o Interior:	Mr. Qamar Zaman Ch, Secretary
For the FIA:	Mr. zafar Iqbal Qureshi, Addl. Director Mr. M. Azam Khan, Director (Law) Mr. Moazzam Jah, Director, Karachi Mr. Basharat Shehzad, Dy. Dir/IO Mr. Muhammad Ahmad, Asstt.Dir/IO
For Athar Naqvi:	Syed Iftikhar Hussain Gillani, Sr.ASC
For Casa Bella:	Ms. Romaisa Ahmad
For Naveed Zaidi:	Nemo
For Hur Riahi:	Nemo
For NAB:	Mr. Muhammad Akbar Tarar, Acting PG Mr. Fauzi Zafar, DPGA
Date of hearing	: 25.01.2011

.....
ORDER

Ch. Qamaruzzaman, Secretary, Ministry of Interior,
Government of Pakistan has placed on record the notification dated

24.01.2011, issued by the Government of Pakistan whereby Capt. (Retd.) Zafar Ahmed Qureshi, Managing Director, National Police Foundation has been appointed as Additional Director General, FIA in addition to his present assignment with immediate effect till further orders to supervise investigation of the NICL case at Lahore.

2. It is to be noted that during the period when he was supervising the investigation and the investigation was likely to make effective progress, he was abruptly transferred on the pretext that after his promotion in Grade 21 he could not continue as a Director over there, but we feel that this device was adopted with a *mala fide* intention otherwise by an identical notification as has now been issued, the authorities could have allowed him to continue with the investigation of an important case, involving a huge public money, which has allegedly been looted.

3. Mr. Zafar Ahmed Qureshi is present. He has explained the progress made by him so far in the investigation of the case. When inquired as to why he is not treating all the accused persons at par because one of the Directors of NICL, Amin Qasim Dada has not been arrested whereas remaining Directors have already been taken in custody of the FIA, he answered that despite his best efforts he was not allowed to do it. He stated that whenever any person is required from Lahore where he is posted as a Director, the needful is done, but when he had gone to Karachi and contacted Moazzam Jah, Director FIA over there in connection with the arrest of Amin Qasim Dada, Moazzam Jah told him that Amin Qasim Dada used to sit with DG, FIA in his camp office, therefore, how he could cause his arrest. On Court query, the Director FIA, Karachi, who is present, stated that 4-5 days before the registration of the case and after the order had already

been passed by this Court, Amin Qasim Dada was present with the DG, FIA. Be that as it may, DG, FIA is equally responsible for not causing his arrest. It seems that instead of allowing his Director to make progress in the case, he is providing shelter to the accused persons; therefore, we direct the Additional Director General, FIA, Zafar Ahmed Qureshi to take all necessary steps for causing his arrest and if on a further probe he comes to the conclusion that the accused is being given shelter by the DG, FIA, then he should proceed against the DG too in accordance with law because no one is above the law. He further explained that all efforts shall be made to explore the possibility as to how the Government money was taken out of the accounts of the NICL, where the same was spent and in whose accounts the same was deposited. In this behalf, he has particularly made reference to the case of M/S Al-Tahoor Co., whose Manager Abdul Maalik has already been arrested and stated during interrogation that the account was opened in Allied Bank Ltd, Airport Road Branch, Lahore in the name of one Adil Manzoor whose name/NIC was used but when said Adil Manzoor was interrogated, he stated that he had no knowledge of the same, but according to the statement of Manager Abdul Maalik, an amount of 22 crores of rupees has been given to Moonis Elahi. According to him, as progress was being made in the meanwhile, he was transferred and made under orders of DG (Waseem Ahmed) to relinquish the charge immediately. Be that as it may, Zafar Ahmed Qureshi has now again been posted as Additional Director General, FIA, therefore, he would be supervising investigation of the case pertaining the persons concerned.

4. Director Moazzam Jah also gave progress report, which does not seem satisfactory as no step has been taken by him as well

to cause arrest of the accused persons, who had left the country inasmuch as Amin Qasim Dada, who was available in Karachi and according to his information he was sitting with DG, FIA after passing of order by this Court, he ought to have taken necessary steps to cause his arrest. Similarly, he had taken no steps to recover the amount from the account of Ayaz Khan except making attachment of the property but making no probe in the matter thoroughly fixing the responsibility upon the accused persons, which indicates that the investigation is not being carried out honestly, fairly and properly. However, we may give him another chance to proceed with the matter strictly in accordance with law and submit report on the next date of hearing in this behalf.

5. The Secretary Commerce has stated that he has sent a letter to the Auditor General of Pakistan to conduct special audit of the NICL.

6. The report submitted by the Secretary Interior is also placed on record.

7. Adjourned to 01.02.2011 when the Additional Director General, FIA, Lahore and Director, FIA, Karachi shall attend the Court and submit their reports.

CJ.

J.

J.

J.

Islamabad,
25.01.2011