

**PRESIDENT'S SECRETARIAT (PUBLIC)**  
**AIWAN-E-SADR, ISLAMABAD**

\*\*\*\*

**Rep. No.326/WM/2021**  
**Date of Decision: 26.01.2023**

**Yasir Maqbool Vs Pakistan Agricultural Storage and Service Corporation Limited**

**REPRESENTATION FILED BY YASIR MAQBOOL AGAINST THE ORDER OF THE WAFaqi MOHTASIB IN COMPLAINT NO.WMS-ONL/0000890/21**

Kindly refer to your representation addressed to the President in the background mentioned below:-

2. This representation has been filed by Yasir Maqbool (the complainant) assailing the order dated 03.06.2021 of the Wafaqi Mohtasib whereby it has been held as under:-

*"...The case was discussed in detail and found that the selection of a person to hold a particular post is a sole prerogative of the Agency and does not fall in purview in this office.*

*Since the matter does not fall in purview of this office. In view of the above, the case is closed under Regulation 23 (1)(i) of the Wafaqi Mohtasib (Investigation and Disposal of Complaints) Regulations, 2013."*

3. The complainant had alleged that he had applied to the Pakistan Agricultural Storage and Service Corporation Limited - PASSCO (the Agency) for appointment against the post of Private Secretary (BPS-17) on Balochistan Quota through Pakistan Testing Service (PTS). According to him, he scored 57 marks and was placed on 1<sup>st</sup> position in the merit list of PTS but the Agency illegally appointed to Mr. Sibghat Ullah who has obtained fake domicile of District Loralai, Balochistan for the said post. Feeling aggrieved, he approached the learned Wafaqi Mohtasib who passed the impugned order, hence the instant representation.

4. The case was fixed for hearing on 05.01.2023. The complainant Yasir Maqbool whereas Sherjeel Najmul Masood, GM (HR), Muhammad Usman Ghaffari Superintendent and Syed Mokhtar Hussain Shah, Superintendent on behalf of the Agency have appeared.

5. The complainant has contended that the selection process of the Agency was not fair and transparent; that he got highest marks in the written test and was placed on 1<sup>st</sup> position of PTS but the Agency has unlawfully appointed to Mr. Sibghat Ullah who obtained fake domicile of District Loralai, Balochistan; that vide order No.LDC/Lri/2021/1410 dated 22.09.2021 the Deputy Commissioner Loralai has cancelled domiciles of the father and two brothers of Sibghat Ullah on the ground that being employees of different organization they could not produce the requisite information before the Committee; that the impugned order is not based on law facts which deserves to be set aside.

6. The representative of the Agency has contended that the Agency has acted transparently in whole of its selection process as per law; that the complainant had obtained 57 marks in the written examination conducted by the Pakistan Testing Service while in interview, he could get low marks; that the candidate who had obtained the highest aggregate marks on the basis of the test and interview had been appointed; that the selected candidate has submitted all required documents i.e. educational credentials duly verified by concerned quarters including domicile duly verified by the Deputy Commissioner Loralai while the said individual stood 1<sup>st</sup> position after interview and was given offer letter for appointment and that the learned Wafaqi Mohtasib has rightly passed the impugned order which may be upheld.

7. After perusal of record and hearing the parties, it has been observed that the interview process is not meant to exclude the meritorious candidates and select the candidates of lesser merit amounting to abuse of the process. Now a days, there is a tough competition for each and every post and a large number of candidates are coming forward, the obligation to act fairly on the part of the administrative authorities is

evolved to ensure the rule of law and to prevent the failure of justice. Moreover, the complainant during the course of proceedings, has produced order No.LDC/Lri/2021/1410 dated 22.09.2021 of the Deputy Commissioner Loralai wherein domiciles of the father and two brothers of the appointed candidate (Sibghat Ullah) have been cancelled. Since it was a job meant for Balochistan quota, the valid existence of the proof/ domicile was an essential requirement, which need to be examined and determined. Article 2(2) of the Establishment of the Office of the Wafaqi Mohtasib (Ombudsman) Order 1983 defines maladministration to include a decision which is unreasonable, unjust, biased or discriminatory. But the basic aspects were not considered and heard by the learned Wafaqi Mohtasib; thus the case is required to be remanded to the learned Wafaqi Mohtasib to hear afresh on merit after affording of opportunity of hearing to the parties including Mr. Sibghat Ullah.

8. Accordingly, the Honourable President has been pleased to order remanding of the instant matter to the learned Wafaqi Mohtasib with the direction to decide the matter within 30-days and representation to be disposed of accordingly.

-Sd-  
**(Asghar Ali)**  
**Director (Legal)**

Mr. Yasir Maqbool,  
C/o Maqbool Ahmad,  
General Post Office,  
Loralai, **Balochistan**.  
(Contact No.0311-0589443)

The Chief Executive Officer,  
Pakistan Agricultural Storage and Service Corporation Limited,  
PASSCO Head Office, 11-Kashimr Road,  
**Lahore**.

**Copy to:**

The Secretary, Wafaqi Mohtasib (Ombudsman)'s Secretariat, Constitution Avenue,  
Islamabad.