

Islamabad, the 21st April 2021

ORDER

Mr. Muhammad Mubeen Ahmed, Deputy Director (BS-18), Department of Explosives was proceeded against under Rule 3 of the Government Servants (Efficiency and Discipline) Rules, 1973 [the Rules] on account of issuing various bogus/illegal licenses in contravention of the Petroleum Rules, 1937 and the Mineral and Industrial Gases Safety Rules, 2010, notified under the Petroleum Act, 1934. Mr. Sajid Mehmood Qazi, Joint Secretary (A/CA), Petroleum Division was nominated as the authorized officer, and Mr. Abdul Ali Khan, Director General, Department of Explosives as the inquiry officer, in terms of Rule 5 of the Rules on 2nd December 2020.

2. A Charge Sheet and Statement of Allegations was issued to Mr. Mubeen Ahmed by the authorized officer on 8th December 2020 under Rule 6(1) of the Rules. In his response dated 5th January 2021, Mr. Ahmed denied all charges and stated that he issued four (04) licenses under Form L of the Petroleum Rules, 1937 in generalized categories such as Dangerous Petroleum, Non-Dangerous Petroleum and Heavy Petroleum w.e.f. 12.11.2012 by seeking approval from the Chief Inspector of Explosives, which is the lawful authority for approval of plans and to relax mandatory safety distances, as required under Condition 8 of the license under Form L. He further contended that he issued licenses to M/s. I Puri and Attock Petroleum Limited's terminals located at Port Qasim, Karachi upon submission of safety and completion certificate by the companies, in line with Rule 124 of the Petroleum Rules 1937.

3. The inquiry officer after giving an opportunity of personal hearing to Mr. Mubeen Ahmed on 28th December 2020 and considering the relevant record and documentary evidence concluded that all the charges conveyed to him stood proven. Thereafter, the authorized officer afforded an opportunity of personal hearing to the assused on 4th March 2021, wherein he could not satisfactorily defend the charges leveled against him. The authorized officer, considering the inquiry report, documents, record as

well as responses during the personal hearing recommended the imposition of major penalty i.e., compulsory retirement from service, in line with Rule 4 (b) (ii) of the Rules.

4. In order to provide the accused officer with sufficient opportunity of defense and to satisfy myself vis-a-vis the facts and circumstances of the case, I conducted a personal hearing of Mr. Mubeen Ahmed on 31st March 2021, wherein he reiterated his stance, as mentioned at para 2 above and requested for the provision of some documents to clarify his position. Subsequently, another date for the personal hearing was fixed on 15th April 2021. In the meanwhile, despite Department of Explosives letters dated 09.04.2021 and 13.04.2021, requesting him to appear in person to obtain the documents required by him from the Department's Head Office in Islamabad, Mr. Ahmed did not make any contact with the Department to receive the documents and failed to appear for the personal hearing fixed on 15th April 2021. I have gone through the case and consulted the inquiry and authorized officers and come to the conclusion that Mr. Mubeen Ahmed has knowingly and intentionally issued/renewed/amended licenses under Form L to thirteen (13) oil terminals in Karachi in complete disregard of law and rules thereby exposing the general public to serious risks and hazards as a result of non-compliance with safety standards. Issuance of thirteen licenses in violation of rules reflected the dismal state of affairs as regards exercise of executive authority and discharge of fiduciary duties.


5. It is noteworthy that Mr. Mubeen Ahmed issued license to M/s. Attock Petroleum Limited (APL) on a fake and unsigned safety and completion certificate while the site was under construction. He changed the name of M/s. I Puri terminal to M/s. Terminal One Limited without any authorization/approval from the competent authority i.e., Director General, Department of Explosives. He also issued licenses under Form L in "Generalized Category" to various companies such as M/s. Burshane Petroleum Limited, M/s. Al Abbas Sugar Mills Limited, M/s. Al Rahim Tank Limited, M/s. I Puri Terminal Limited etc., which was a violation of the Department's internal O.M. dated 06.12.1992, wherein the practice of issuing licenses under general terminology was disallowed.

6. Based on the available record, including the facts summarized at para 5 above and discussion of the matter with the inquiry and authorized officers, I, as the competent authority, am of the view that the conclusions drawn in the inquiry report dated 24th February 2021 amply demonstrate that the licenses under Form L issued by

Mr. Mubeen Ahmed are marred with illegalities, deficiencies and irregularities. The accused officer was under an obligation to ensure implementation and enforcement of the Petroleum Rules, 1937 in the interest of safety and security of the general public. He however exercised his authority in a manner that was completely inconsistent with his responsibilities, which resulted in undermining the regulatory and licensing mandate of the Department of Explosives. I am satisfied that Mr. Mubeen Ahmed in certain cases exercised authority not conferred upon him by granting approvals which are otherwise the exclusive domain of the Director General, Department of Explosives. I am further satisfied that the recipients and beneficiaries of unauthorized and illegal licenses were commercial entities and such entities were extended undue favor through misuse of authority, violation of rules and intentional failure to exercise regulatory oversight. Resultantly, non-conforming establishments/facilities were granted licenses to undertake commercial activities. It has been noted that Mr. Mubeen Ahmed acted against his own official mandate i.e., enforcement of the Petroleum Rules, 1937. As a matter of routine, he violated the said Rules for the benefit of a few private business concerns for reasons known to him, while the entire safety framework and licensing regime was made redundant. Such a negligent and reckless attitude could have resulted in a disaster of significant magnitude, involving the loss of precious lives and public property. After having gone through the material placed before me, I am of the considered view that Mr. Mubeen Ahmed had no regard for public safety and he was willing to favor commercial entities at the cost of human lives and property. He became a source of undermining the Office of the Director General, Department of Explosives and made the rules and law meaningless.

7. The nature of violations committed by Mr. Mubeen Ahmed and acts of abuse of office leads to the conclusion that he is unfit for any role in public service as it has been established that he acted against the public interest. The gravity of misconduct suggest that he is not entitled to any leniency as his negligent, reckless and illegal acts could have devastating consequences for the residents of Karachi. Such callous attitude cannot be allowed to go unchecked and unpunished. Hence, I am of the view that the recommendation for compulsory retirement does not commensurate with the misconduct committed by him and therefore for reasons recorded above, I, Mian Asad Hayaud Din, Secretary, Ministry of Energy (Petroleum Division), as the authority under Rule 2 (2) of the Rules hereby impose the major penalty of dismissal from service in

respect of Mr. Muhammad Mubeen Ahmed, Deputy Director (BS-18), Department of Explosives in terms of Rule 4(1)(b)(iv) of the Rules with immediate effect.


(Mian Asad Hayat Din)
Secretary