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JUDGMENT SHEET

LAHORE HIGH COURT

BAHAWALPUR BENCH BAHAWALPUR

JUDICIAL DEPARTMENT

W.P. No.9729 of 2019

Muhammad Amir Shabbir Vs. Government of Punjab, etc.

J U D G M E N T

Date of Hearing:	26.11.2025
Petitioner by:	Mr. Muhammad Ali Siddiqui, Advocate. Mst. Samina Qureshi, Advocate. Mr. Muhammad Tahir Saeed Ramay, Advocate.
Respondents by:	Rai Mazhar Hussain Kharal, Assistant Advocate General alongwith Muhammad Waqas Ashraf, Deputy Director Agriculture (OFWM), Bahawalpur.

Anwaar Hussain, J. Through this single judgment, the present as well as the connected constitutional petition bearing W.P. No.7222 of 2021 are being simultaneously decided, as common questions of law and fact are involved, which are intrinsically intertwined, and the finding in the present petition effects the outcome of the connected case.

2. By way of factual background, it has been noted that the petitioner was appointed, on a contract basis for a period of three years, on 12.09.2018, as Assistant Director Agriculture (OFWM), through the Punjab Public Service Commission. One of the essential conditions of appointment related to the requirement of five years’ experience in the field of Water Management. On 26.11.2019, the petitioner’s services were terminated on the allegation that he had furnished a bogus experience certificate. The said termination order is under challenge in

the present constitutional petition. Operation of the termination order was suspended by this Court, on 12.12.2019, whereafter the petitioner continued performing his duties. During the pendency of the proceedings before this Court, in present petition, the petitioner sought regularization of his service in accordance with law and, for that purpose, filed the connected petition bearing W.P. No.7222 of 2021. Through order dated 13.09.2021, passed in connected case, the respondents were directed by this Court to consider case of the petitioner for regularization, and the respondents accordingly regularized the petitioner's service, through order dated 17.12.2021, subject to the outcome of the proceedings pending before this Court. The petitioner thereafter continued working as a regular employee. On 10.12.2024, when arguments were not advanced by the petitioner's side, in compliance with the direction of this Court, both petitions were dismissed for non-compliance. The petitioner preferred Intra-Court Appeal bearing No.151 of 2024, which was allowed on 24.12.2024 and one more opportunity was granted to him to argue the cases. Meanwhile, on 16.12.2024—well within the limitation period for filing an Intra-Court appeal—the petitioner was relieved from service by the Deputy Director Agriculture (On-Farm Water Management), Vehari. It is an admitted position that since that date the petitioner has remained out of service.

3. Learned counsel for the petitioner submit that during the pendency of this petition, this Court *vide* order dated 08.05.2025 directed the Secretary Agriculture Department to verify the disputed experience certificate(s) of the petitioner and the verification report dated 07.07.2025 has been placed on record, which confirms that the certificate(s) issued to the petitioner including one by M/s. Haji Sons International were genuine.

4. Conversely, learned Law Officer, alongwith departmental representative, argues that the experience required under the

advertisement was for service of a candidate as a regular employee, whereas M/s. Haji Sons International has certified that the petitioner worked on daily-wage basis, through a third party, which (third party) was not registered with SECP, Registrar of Firms, or any other regulatory authority as contemplated by the advertisement. On a pointed question by this Court, no other infirmity in the petitioner's appointment has been referred or pressed by the departmental representative or the learned Law Officer.

5. Arguments heard. Record perused.

6. The core issue is narrow: (i) whether the petitioner's experience certificate issued by M/s Haji Sons International was genuinely issued and, if so, (ii) whether the nature of his engagement as a daily-wage/project-based worker, with the employer, renders such experience non-qualifying.

7. Adverting to the first question formulated hereinabove, the petitioner submitted experience letter dated 04.06.2017 issued by M/s. Haji Sons International and through letter dated 23.10.2018, it was declared that the same is not verified and fake, whereafter the petitioner again submitted experience letter dated 28.12.2021, which reads as under:

“It is stated that Mr. Aamir Shabbir has been working with field manager of our organization during 01-04-2015 to 31-03-2017, in few projects. Area manager engaged engineering staff locally to complete their local assignment and he paid them commission/like daily wages. Therefore, his record/information was not available in our head office at the time of experience verification. Mr. Muhammad Aamir Shabbir was engaged with Area managers of our organization in above said tenure.”

Letter dated 28.12.2021 clarifies as to why, upon the initial verification, petitioner's earlier experience letter was declared as unverified/fake. Letter dated 28.12.2021 was further verified upon the

direction of this Court by M/s. Haji Sons International, through the administrative department, *vide* letter dated 13.06.2025 that reads as under:

“With reference to your letter No.11059/DGA/WM/2-1141-Estt, dated 10.06.2025, regarding the experience verification of Mr. Aamir Shabbir, S/O Muhammad Shabbir Ahmed, we hereby confirm that he was employed under the supervision of our Managers.

Mr. Aamir Shabbir worked with us on various projects under the domain of our Area Manager during the period from 01 April 2015 to 31 March 2017. A copy of the previously issued experience letter is enclosed for your reference.”

In view of the above, this Court is of the opinion that the experience certificate of the petitioner, issued by M/s. Haji Sons International was genuine, which takes this Court to the nub of the matter that is condensed as issue No.ii as to whether the said experience certificate on daily wage-based/project based satisfied the eligibility requirement of the advertisement.

8. Before examining this issue, it is appropriate to reproduce the relevant experience requirement as set out in the advertisement:

“MINIMUM QUALIFICATION/EXPERIENCE

M.Sc. (Hons) Agriculture

OR

B.Sc. (Mechanical Engineering) (2nd Division) from a recognized University.

05 years' Experience in the field of Water Management.

Note: (i) **Only Practical/Administrative Experience shall be considered.** (ii) **Experience in private entities shall be accepted if such entity is registered with SECP, Registrar of Firms** or any other Regulatory Authority.”

(Emphasis supplied)

The above requirement *qua* experience nowhere stipulates that the candidate must have served under the direct control of the private entity,

issuing the certificate, or that such service must necessarily be on regular or permanent basis. The only explicit condition is that where experience is claimed from a private entity, that entity must be duly registered with the SECP, the Registrar of Firms, or any other relevant authority. In the present case, the departmental representative acknowledged that M/s. Haji Sons International is registered with the Registrar of Firms. The dispute/problem *qua* verification stemmed solely from the fact that the petitioner had worked in project-based role, in local assignment, rather than in the head office of M/s Haji Sons International and the experience certificate issued earlier was not verified for the said reason. The petitioner's former employer (M/s Haji Sons International) has affirmed that he indeed worked with them.

9. When specifically queried, learned Law Officer reiterated that the impugned termination of the petitioner was based on the alleged falsity of the certificate—an allegation now negated by the official verification report *albeit* averred that experience as daily wage is not relevant and the petitioner was not eligible for the post. This Court holds that the department's interpretation of experience is legally flawed and that the petitioner's termination was unjustified. Learned Law Officer as well as departmental representative could not demonstrate any legal provision—statutory, regulatory, or otherwise—that excludes daily-wage or contractual and project based employment/service from being treated as “experience” for the purposes of eligibility. Such an exclusion would constitute an unreasonable classification, unjustly depriving candidates of legitimate professional opportunity despite performing actual work in the field of Water Management, which is not the true object of the experience criterion, in the present case. It is imperative to hold that any exclusion, which deprives a citizen of consideration for public employment must have a clear foundation in law. Where the advertisement stipulates five years' experience—even from private

entities registered with SECP or a relevant regulatory body—the later insistence that such experience must be on a regular, rather than contract or daily-wage basis, is wholly untenable when neither the law (statute, the rules, the recruitment policy), nor the advertisement prescribe such a bar. Introducing an impediment in respect of eligibility of a post not expressly provided amounts to reading into the criteria what the law or the advertisement does not contain, thereby infringing the constitutional right of the petitioner to seek employment. Permitting arbitrary exclusion at the discretion of the authority is not sanctioned by the Constitution of Islamic Republic of Pakistan, 1973.

10. Turning to the termination of the employment during the pendency of the case, it is imperative to note that the petitioner was duly qualified, appointed on merit, completed his contractual term, and continued in service during the litigation and was regularized subject to outcome of the present petitions. These constitutional petitions were dismissed on 10.12.2024 for non-compliance of direction of this Court to learned counsel for the petitioner to advance arguments or make alternate arrangement. A statutory remedy of Intra-Court Appeal, with a limitation of twenty days, was available to the petitioner. Rather than allowing the limitation period to run its course, before taking an adverse action, the petitioner was relieved from service on 16.12.2024—just six days after the dismissal of the petitions, effectively frustrating his substantive right of appeal and that too by an officer [Deputy Director Agriculture (OFWM), Vehari] who is admittedly not the competent authority as the departmental representative before this Court acknowledges that it is Administrative Secretary (Secretary Agriculture) who had the power to terminate the petitioner. On Court's query, learned counsel for the petitioner, on instructions, undertook that the petitioner will not claim back benefits or arrears for the intervening period in the event of his reinstatement.

11. The right of appeal is a substantive and valuable right of a litigant. Administrative action that defeat such a right—particularly by implementing adverse orders before expiry of the limitation period—cannot sustain. The respondents were obligated to act fairly, but instead acted precipitously in a manner incompatible with principles of natural justice and the administrative propriety and an officer who was not competent to terminate the services of the petitioner issued the relieving order dated 16.12.2024, which is not sustainable.

12. In view of the above discussion, the present as well as the connected petition bearing W.P. No.7222 of 2021 are **allowed**. The impugned termination order dated 26.11.2019 as well as relieving order dated 16.12.2024 is hereby set aside. The petitioner's regularization, earlier granted subject to outcome of these proceedings, is declared valid and lawful. The respondents are directed to reinstate the petitioner in service within seven (07) working days from the date of presentation of a certified copy of this judgment. The intervening period shall be treated as leave without pay, in accordance with the undertaking of the petitioner that no back benefits shall be claimed.

(ANWAAR HUSSAIN)
JUDGE

Approved for reporting

Judge

Maqsood

Judgment was announced in open Court and dictated on same date, however, finalized/signed on 04.12.2025.