

ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

R. A No. 02/2023

Dr. Riffat Yasmin

Vs.

Federation of Pakistan etc.

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
------------------------------	----------------------------	---

24.02.2023 *M/s Muhammad Shoaib Shaheen and Muhammad Umair Baloch, Advocates.*

ARBAB MUHAMMAD TAHIR, J: Through the instant application, applicant namely *Dr. Riffat Yasmin* seeks review of Order dated 14.02.2023, passed in W.P No. 508 of 2023, operative paragraph-4 whereof is as under:-

4. The grievance highlighted through the instant writ petition i.e. non decision of her representation, substantially and directly is connected with the terms and conditions of her service. It is established principle that the courts assume their jurisdiction through particular law conferring a particular jurisdiction. Article 212 of the Constitution specifically places an embargo on all other courts except Service Tribunal to grant an injunction, make an order or **entertain** any proceedings in respect of any matter relating to the terms and conditions of service, even if they are *malafide, ultra vires* and *corum non-judice*. Reliance is placed upon the recent pronouncement of the Hon'ble Apex Court dated 24.03.2021 in the case of **KhalilullahKakar& others v. Provincial Police Officer, Balochistan etc. (2021 SCMR 1168).**

2. The learned counsel, *inter alia*, argues that a civil servant, under the law and precedents can seek a direction against the departmental authority. for timely decision of his/her pending representation and that in that eventuality Article 212 of the Constitution places no embargo upon the courts to exercise the jurisdiction in terms of

Article 199 of the Constitution as, according to the learned counsel, every public functionary is under obligation to act in accordance with law and to decide the pending representation of its employees within stipulated time, if provided or else within shortest possible time. The learned counsel in support of his stance refers various orders of this Court as precedents.

3. Heard, record perused.

4. At the inception, it is necessary to mention that the view expressed had been on account of the fact that after the filing of review or representation before the departmental authority, an aggrieved civil servant may file an appeal before the Tribunal after expiry of ninety-days period of such appeal, application or **representation**. See: paragraph-02 of the order-in-original. On the said analogy, the decision upon representation would be deemed to be substantially and directly connected with the terms and conditions of service.

5. It is well settled principle that the scope of review is very limited. The judgment can be reviewed only when the error is apparent on the face of the record and that it must be so manifest, so clear, that no Court could permit such an error to remain on record. Reliance is placed upon case of *Mahmood Hussain Lark & Others v. Muslim Commercial Bank Limited & others* (2010 SCMR 1036).

6. Furthermore, it is also a well settled principle that if the Court has taken a conscious and deliberate decision on a point of fact or law, a review petition will not be competent. The circumstance that the view canvassed in the review petition is more reasonable than the view already expressed by the Court in the order of which revision is sought would not be sufficient to maintain a review petition. Reliance is placed upon case of *Syed Wajihul Hassan Zaidi v. Government of the Punjab and others* (PLD 2004 SC 801).

7. The grounds urged warrant reconsideration on the point that has already been finally decided and to indulge in such exercise would amount to sit in appeal against the order-in-original for which course, the petitioner retains remedy before appropriate forum. Consequently, the instant Review Application is **Dismissed**.

(ARBAZ MUHAMMAD TAHIR)
JUDGE

A.R.Ansari