

JUDGEMENT SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

C. M. A No. 04/2025

Batoor Khan

Vs.

The Federal Public Service Commission through its Chairman

APPELLANT BY: Mr. Asad Ullah Taimur Muhmand,
Advocate.

RESPONDENT BY: Mr. Fahad Khan Tareen, Assistant
Attorney General.
Mr. Haroon Rashid, Director, Federal
Public Service Commission.

DATE OF DECISION: 02.06.2025.

=====

BABAR SATTAR, J.- The appellant is aggrieved by Memorandum dated 30.05.2024, pursuant to which reasons were recorded as to rejection of his candidature for special CSS competitive examination, 2023.

2. The learned counsel for the appellant submitted that the appellant is a candidate from Balochistan. The appellant had previously attempted to qualify in the CSS examination thrice. The appellant sought to sit in the special CSS competitive examination but was not allowed to do so on the basis that he did not submit his domicile certificate. He submitted that the application included the domicile certificate of his father, which included details of the appellant and all other siblings. After the scrutiny process, it was identified that the appellant's personal domicile was also required, which was also provided. Notwithstanding the same and the fact that the Federal Public Service Commission (FPSC) was aware of the credentials of the

appellant as he had previously sat in the CSS exam as a candidate from Balochistan thrice, while he was allowed to sit in the special CSS competitive examination, 2023, his result was not issued.

3. The learned Assistant Attorney General submitted that the appeal was barred by limitation in terms of Section 7(3)(d) of the Federal Public Service Commission Ordinance, 1977 (**"FPSC Ordinance"**). Under Section 7(3)(a) of the FPSC Ordinance a person aggrieved by a decision of FPSC could file a representation before FPSC within fifteen days of the decision causing the grievance. A candidate aggrieved by any decision rendered by FPSC in terms of Section 7(3)(a) of the FPSC Ordinance could then file a review before FPSC within a period of thirty days in terms of Section 7(3)(b) of the FPSC Ordinance. In terms of Section 7(3)(d) of the FPSC Ordinance, a candidate aggrieved by a decision of FPSC passed in review is entitled to file an appeal before the High Court. He submitted that it was under Section 7(3)(d) of the FPSC Ordinance that the instant appeal had been filed, but without disclosing that after affording the appellant an opportunity to be heard, a decision on the appellant's representation in terms of Section 7(3)(a) of the FPSC Ordinance was rendered on 26.08.2024. The appellant then filed a review before FPSC in terms of Section 7(3)(b) of the FPSC Ordinance, which was dismissed by order dated 10.10.2024. After the filing of such review, the appellant once again filed an application for reconsideration of the matter, which was decided by the impugned Memorandum dated 18.12.2024, communicating to the appellant that as his representation and

review had already been dismissed, his application for rescheduling a personal hearing could not be entertained. It was against this order that the instant appeal had been filed. He submitted that the appellant had not come to the Court with clean hands as he had not disclosed and appended with the appeal the relevant orders of FPSC dated 26.08.2024 and 10.10.2024, dismissing the appellant's representation and review, respectively.

4. This Court agrees with the learned Assistant Attorney General that the appeal is barred by limitation in terms of Section 7(3)(d) of the FPSC Ordinance, which ought to have been filed within a period of thirty days from the order passed by FPSC in the review in terms of Section 7(3)(b) of the FPSC Ordinance dated 10.10.2024. It is now settled that the limitation period prescribed by statutory provisions is mandatory. This Court has also taken into account the fact that the aforementioned orders were neither appended with the appeal nor disclosed by the learned counsel for the appellant. Instead of filing an application for condonation of delay and candidly stating all relevant facts and the orders passed by FPSC, the appellant sought to file an additional application before FPSC after exhausting his right to a representation and review and upon denial of such request challenged the same as a means to bring the appeal within the period of limitation. And when confronted with the orders dated 26.08.2024 and 10.10.2024, (filed by the respondent alongwith para-wise comments), against which the appellant had sought remedies, the learned counsel for the appellant feigned ignorance about their existence. In doing so,

the appellant has sought to abuse the process of the Court and has also attempted to mislead the Court by concealing relevant facts.

5. This Court therefore finds that the appeal is barred by limitation in terms of Section 7(3)(d) of the FPSC Ordinance and is therefore **dismissed**.

6. This Court would have been minded to dismiss the appeal with special costs. However, keeping in view the fact that the appellant is a young man seeking a job in the public sector, this Court is taking a lenient view and not imposing special costs. This Court is also disappointed with the conduct of the learned counsel for the appellant who, as an officer of the Court, ought to have candidly brought all relevant facts and orders issued by FPSC on record while filing the instant appeal. In this regard too, this Court will take a lenient view in the expectation that the learned counsel for the appellant will educate himself with regard to his obligations to the Court, including the obligation to act with honesty in a manner that reflects integrity in discharge of his professional obligations.

(BABAR SATTAR)
JUDGE