

ORDER SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD. **JUDICIAL DEPARTMENT**

W.P. No.3293/2021

Noor Ullah Saeed

Versus

Utility Stores Corporation of Pakistan (Pvt.) Ltd., Islamabad, etc.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	20.09.2021.	Mr. Muhammad Umair Baloch, Advocate for petitioner.

Through this writ petition the petitioner has assailed the order dated 08.09.2021, whereby he has been suspended by the respondent. The petitioner has also assailed the show cause notice dated 29.12.2020 and letter dated 10.09.2020, whereby he was posted from Islamabad to Sahiwal Region.

2. Brief facts referred in the instant case are that petitioner is performing his duty with dedication and commitment and he has been victimized at the hands of respondent corporation, whereby show cause notice dated 29.12.2020 was issued and even his suspension order was issued by respondent corporation primarily on the ground that he has proceeded in the departmental inquiry against one Ali Sher in violation of service rules of Utility Stores Corporation (Pvt.) Ltd.

3. Learned counsel for the petitioner has been

confronted regarding maintainability of instant writ petition, whereby relationship of petitioner with respondent is being governed under master and servant. Learned counsel for the petitioner has candidly conceded this aspect and contends that entire case is based upon biased and vindictive conduct of the authority.

4. There is no cavil to the proposition that Utility Stores Corporation Service Rules are non-statutory and relationship of petitioner with respondent is governed under master and servant, therefore, writ petition is not maintainable. Reliance is placed upon 1993 SCMR 346 (Chairman WAPDA vs. Jamil Ahmed), PLD 1984 SC 194 (Anwar Hussain vs. ADBP), 2019 SCMR 278 (Pakistan Airline Pilots Association and others vs. PIA and another), 2015 SCMR 1545 (PIA Corporation vs. Syed Suleman Alam Rizvi and others).

5. In view of above case laws it has been settled by now that constitutional jurisdiction could not be invoked by employee of respondent corporation, who is governed under non-statutory rules, therefore, relief claimed for is not legally possible. Even otherwise, show cause notice issued by respondent is not a final order though the reply has been filed by the petitioner and same requires final

adjudication. Hence, instant writ petition is not maintainable, resultantly, the same is hereby *dismissed in limine.*

(MOHSIN AKHTAR KAYANI)
JUDGE