

**ORDER SHEET**  
**IN THE ISLAMABAD HIGH COURT, ISLAMABAD**  
**JUDICIAL DEPARTMENT**

I.C.A.No.297 of 2020  
Rashid Mehmood and others  
**Versus**  
Federation of Pakistan through Federal Secretary, Cabinet Division and  
others

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	<b>22.10.2020</b>	<b>Mr. Afzaal Qadeer Satti, Advocate for the appellants</b>

Through the instant intra Court appeal, the appellants impugn the judgment dated 17.09.2020 passed by the learned Judge-in-Chambers, whereby writ petition No.171/2020 filed by the appellants was dismissed as not maintainable. In the said writ petition, the appellants had challenged the office orders issued by the Pakistan Television Corporation Limited ("P.T.V.C."), whereby they were sent on leave preparatory to retirement.

2. In the said writ petition, the appellants had agitated a matter pertaining to the terms and conditions of their service.

3. It is well settled that a writ petition is maintainable where the respondent authority violated any provision of law or statutory rules. Employees who are governed by statutory rules can avail the remedy of filing a writ petition before the High Court. It is also well settled that the principle of 'master and servant' was applicable to the employees whose services were not governed by any statutory rules. Employees of a company/corporation, in the absence of violation of law or any statutory rule, could not press into service the Constitutional jurisdiction of the High Court in order to seek relief with respect to their employment.

4. It is an admitted position that there are no statutory rules governing the appellants' relationship with P.T.V.C. This made the relationship between the appellants and P.T.V.C. as that of master and servant. In the case of Sohail Abbas Bokhari Vs. Secretary, Information and Broadcasting (2009 PLC (C.S.) 565), this Court dismissed a writ petition filed against P.T.V.C. by its employee on the ground that P.T.V.C. did not have statutory rules. Paragraph 6 of the said report is reproduced herein below:-

*"6. It is admitted position that the employees of PTVC are governed by the Pakistan Television Corporation Ltd. Employees Service Rules, those have no legal cover i.e. non-statutory in nature and cannot be enforced through a writ petition. Reliance can be placed on the case The Principal Cadet College, Kohat and another v. Muhammad Shoab Qureshi PLD 1975 SC 678, M.H. Mirza v. Federation of Pakistan through Secretary, Cabinet Division, Government of Pakistan, Islamabad and 2 others 1994 SCMR 1024 and case of Asad Bashir v. Chairman, Board of Intermediate and Secondary Education, Lahore and 2 others 2006 PLC (C.S.) 110."*

5. The Hon'ble Lahore High Court, in the case of A.S. Qureshi etc. Vs. Pakistan Television Corporation Ltd. (1997 PLC (C.S.) 846), held that since the Pakistan Television Corporation Employees Service Rules, 1978, were non-statutory, a writ petition filed by an employee of P.T.V.C. on a matter regarding the terms and conditions of his service was not maintainable. Paragraph 10 of the said report is reproduced herein below:-

*"10. On the above conclusion that P.T.V. Employees Service Rules are not statutory rules, their employment with respondent-Corporation will have to be held to be governed by ordinary principle of master and servant, as laid down by the Supreme Court in Mrs. Anisa Rehman's case (supra). On these premises the further assertion by the petitioners that respondent- Corporation is acting contrary to the aforementioned rules, need*

*not be examined because even if this be correct, the rules being non-statutory, cannot be enforced through Constitutional jurisdiction of this Court.”*

6. The appellants' through their writ petition raised grievances regarding the terms and conditions of their employment with P.T.V.C. Since P.T.V.C. does not have statutory service rules and since their relation with P.T.V.C. is that of master and servant, we are of the view that learned Judge-in-Chambers did not commit any illegality in dismissing the appellants' writ petition as not maintainable. Consequently, this appeal is dismissed in *limine* with no order as to costs.

**(LUBNA SALEEM PERVEZ)**  
**JUDGE**

**(MIANGUL HASSAN AURANGZEB)**  
**JUDGE**

*Ahtesham\**