

ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Writ Petition No.192/2019

Sobia Zia

Versus

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.
(1)	17.01.2019	Mr. Muhammad Ramzan Khan, Advocate for petitioner.

Through this writ petition, the petitioner has assailed her order of dismissal (un-dated) issued by respondent No.2.

2. Learned counsel for petitioner contends that in the year 2007, petitioner was appointed as Assistant Manager (Training) and Human Resource Development in Pakistan Stone Development Company and was promoted as Manager Training in 2010. Learned counsel further contends that on 09.10.2015, petitioner was orally dismissed from service on some vague allegations, however on her repeated requests, dismissal order was given to her on 24.04.2018. Learned counsel further contends that neither show cause notice was issued to the petitioner nor she was granted opportunity of hearing and major penalty of dismissal from service has been imposed which is sheer violation of law.

3. Arguments heard, record perused.

4. Perusal of record reveals that petitioner was working as Manager Training in the Human Resource Development in Pakistan Stone Development Company,

which is established in 2006 under section 42 of the Companies Ordinance 1984. The Company is a subsidiary of Pakistan Industrial Development Corporation (PIDC) working under the auspices of Ministry of Industries & Production (MOIP) and is mandated to initiate multiple projects to uplift the existing set-up of marble and granite sector. On 30.09.2015, petitioner was suspended but during the period of suspension, she did not join the inquiry proceedings, however attended exhibition in Belgium due to which, she was dismissed from service.

5. Writ petition on the face of it suffers from laches and delay inasmuch as the last impugned order was passed as back in the year 2015 and after almost 03 years, instant writ petition has been filed. In this regard, learned counsel for the petitioner contends that dismissal order was oral and on repeated requests of petitioner, order in written was given to her on 24.04.2018, but I am not convinced with the explanation provided by the petitioner for the inordinate delay in filing the petition before this Court. The petitioner was not vigilant in pursuing her own remedies provided under the law. She has failed to give any plausible and reasonable explanation in filing the writ petition so late. Moreover, I do not agree with the contention of the learned counsel for the petitioner that under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, no period of limitation has been provided for filing the writ petition.

Although no period of limitation is provided under the constitutional provision, the fact remains that the constitutional petition had to be filed within a reasonable period of time. In any case, an aggrieved person has to challenge the impugned orders not later than three months and if a Constitutional petition is moved after the expiry of three months, the period thereafter has to be adequately and sufficiently explained by the petitioner. Reliance is placed on **2005 SCMR 119 titled Ahmad and 25 others...vs...Ghama and 5 others.**

5. In view of above discussion, instant writ petition stands **dismissed in-limine.**

(MOHSIN AKHTAR KAYANI)
JUDGE

Imran