

Form No: HCJD/C-121

ORDER SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD  
(JUDICIAL DEPARTMENT)

W.P. No. 1502 of 2016

Lt. Col. (Retd.) Muhammad Azhar Deen, etc.

Vs

Govt. 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.
14)	<u>12-01-2022.</u>	Mr Muhammad Kashif Advocate, for the petitioners. Syed Muhammad Tayyab, DAG. Mr Muhammad Irfan Ullah Khan Advocate, for the respondents.

The petitioners assert that they were employed by the Pakistan Sports Board established under the Sports (Development and Control) Ordinance, 1962 [hereinafter referred to as the "**Ordinance of 1962**"]. Their grievance is that they have not been paid their salary since 2012.

2. The learned counsel for the petitioners was asked whether any appointment was made by the entity established under the Ordinance of 1962. He has stated that the record is not available because it was burnt in an incident. However, he has referred to appointment letters issued by a distinct entity registered under the Societies Registration Act, 1860 [hereinafter referred to as the "**Act of 1860**"] i.e. Pakistan Sports Trust.

3. The learned counsel who has appeared on behalf of the entity established under the Ordinance of 1962 has stated that the petitioners were not appointed by the statutory entity and that their services were engaged by an organization registered as a society.

4. The learned counsel for the petitioners, despite his able assistance, was not able to persuade the Court that the latter were appointed by the entity established under the Ordinance of 1962. The stance that the record was burnt, raises disputed questions of fact, which obviously cannot be decided while exercising jurisdiction under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973. Moreover, the documents placed on record shows that the petitioners were appointed as employees of the entity registered under the Act of Act of 1860. The employees of such an entity are not governed under statutory rules/regulations.

5. For the above reasons, this petition is without merit and, therefore, accordingly **dismissed.**

Tanveer Ahmed/\*

(CHIEF JUSTICE)