

Form No: HCJD/C-121.

ORDER SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

W.P. No. 3102 of 2014

Mr Muhammad Amjad Shaheen

Vs

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.
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04) **27-11-2014.** Mr Muhammad Kamal Hassan Advocate, for the petitioner.
Mr Shahid Mahmood Khokhar Advocate, for the respondents.

The petitioner has assailed order dated 11-2-2014, whereby the respondent No. 3 was re-employed by the respondent No. 2/Chairman PTV.

2. Learned counsel for the petitioner contends that the impugned order is illegal, unlawful; whereby the petitioner has been deprived of his valuable right of promotion. He urges that the same may be set aside.

3. On the other hand, learned counsel for the respondent Corporation has raised a preliminary objection regarding the maintainability of the present petition. It is contended that the Corporation is not a statutory body, rather it is a public company duly registered under the *Companies Ordinance, 1984*. It is further contended that the terms and conditions of the employees are governed by the *Pakistan Television Employees Service Regulations, 1978*, which are non-statutory. In this regard the learned counsel has drawn attention of this Court to the orders dated 05-8-2009 and 26-8-2009, passed by the august Supreme Court of Pakistan in *CP No. 331/2009* and *CP No. 1362/2009* respectively, which upheld the judgments of this Court, holding the Regulations of the respondent corporation as non-statutory and therefore, the petitions not being maintainable in exercise of jurisdiction

under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973(hereinafter referred to as the “Constitution”).

4. The learned counsels have been heard at length and the record perused with their able assistance; therefore, the opinion of this Court is as follows:

5. It is an admitted fact that the respondent Corporation is a juristic person incorporated under the provisions of the Companies Ordinance, 1984 and therefore, its Regulations are non-statutory. It is a settled law by now, inter alia, as expounded by the august Supreme Court of Pakistan in the cases of *Muhammad Mubeen-Us-Salam and others Versus Federation of Pakistan through Secretary, Ministry of Defence and others* [PLD 2006 Supreme Court 602] and *Muhammad Idrees Versus Agricultural Development Bank of Pakistan and others* [PLD 2007 Supreme Court 68] that where the regulations are non-statutory the relationship between the employer and the employees is that of Master and Servant. Undoubtedly, the jurisdiction of this Court under Article 199 of the Constitution can neither be invoked nor extended when the terms and conditions of the employees are governed by Service Regulations or Rules which are non-statutory.

6. For what has been discussed above, the present petition is not maintainable under Article 199 of the Constitution and therefore, it is hereby dismissed.

(ATHAR MINALLAH)
JUDGE