

ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

Crl.Org. No.172 of 2019
Ali Husnain Naqvi and others
Versus
Zahid Meer and others

S. No. of order / proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	16.01.2020	Syed Javed Akbar, Advocate for the petitioners. Mr. Khurram M. Hashmi, Advocate for the respondents.

Through this order, I propose to decide criminal original petitions No.172/2019, 173/2019 and 174/2019.

2. The petitioners in all the petitions were contractual employees of the Oil and Gas Development Company Limited ("O.G.D.C.L."). They had filed writ petitions before this Court seeking the regularization of their services. The said writ petitions were disposed of by this Court, vide consolidated order dated 25.01.2019. In the said order, O.G.D.C.L. was directed to nominate authorized officers or constitute committees who would afford an opportunity of hearing to the petitioners and decide their grievances through speaking orders. The officers nominated or the committees constituted by O.G.D.C.L. was supposed to decide the petitioners' grievances in view of the law laid down by this Court in the judgment dated 01.11.2017 passed in writ petition No.2117/2016 titled "*Shagufta Hashmat Vs. Federation of Pakistan, etc.*" and judgment dated 21.06.2018 passed in intra Court appeal No.340/2017 titled "*Imran Ahmed, etc. Vs. Federation of Pakistan, etc.*".

3. Learned counsel for the petitioners submitted that the respondents are liable to be proceeded against for contempt of Court since

the petitioners' grievances has not been redressed in accordance with the directions given by this Court in the said order dated 25.01.2019. He also submitted that neither the petitioners are presently working nor their contractual employments have been extended nor their services have been regularized.

4. On the other hand, learned counsel for the respondents submitted that in compliance with the directions given by this Court, an opportunity of hearing was afforded to all the petitioners and their grievances were taken into consideration; that since none of the petitioners had been employed on contract basis after a competitive process, their services could not be regularized; that there was nothing preventing the petitioners for participating in a competitive process for appointment in O.G.D.C.L. as and when the relevant positions are advertised; and that since there was no direction of this Court to regularize the petitioners' services, the respondents had not committed any contempt of Court. Learned counsel for the respondents prayed for the petitions to be dismissed.

5. I have heard the contentions of the learned counsel for the contesting parties and have perused the record with their able assistance.

6. As mentioned above, this Court vide order dated 25.01.2019 passed in writ petition No.1371/2013 and connected matters had directed O.G.D.C.L. to nominate an officer or constitute a committee to consider the petitioners' grievances by affording them an opportunity of a hearing. Letters dated 27.06.2019 addressed by O.G.D.C.L. to the petitioners show that they were afforded an opportunity of a hearing. The petitioners were

also informed that their services could not be regularized since their appointments had not been made through a competitive process after an advertisement. The said letters also contained the reasons for not regularizing the petitioners' services. Some of the petitioners had applied for various positions in O.G.D.C.L., but had not been appointed since they either did not appear or qualify the written test or did not have the required experience. As this Court, in its order dated 25.01.2019, had not directed O.G.D.C.L. to regularize the petitioners' services, it is my view that the respondents did not commit any contempt of Court by not regularizing the petitioners' services. Should the petitioners be aggrieved by the respondents' letters dated 27.06.2019, they are at liberty to assail the same before the competent forum in accordance with the law.

7. In view of the above, these petitions, being devoid of merit, are dismissed.

(MIANGUL HASSAN AURANGZEB)
JUDGE

Ahtesham*