

Form No: HCJD/C-121  
ORDER SHEET  
IN THE ISLAMABAD HIGH COURT, ISLAMABAD  
(JUDICIAL DEPARTMENT)

**Writ Petition No. 3094 of 2021**

Aysha Noor

Versus

Federation of Pakistan through Secretary, Ministry of Finance,  
Islamabad and others.

<b>S.No. of order/ proceeding</b>	<b>Date of order/ proceeding</b>	<b>Order with signature of Judge and that of parties or counsel where necessary.</b>
(01)	02.09.2021	Ghulam Muhammad Chaudhary, Advocate for the petitioner.

Through the instant writ petition filed under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, the petitioner seeks one step upward promotion on the basis of acquiring Ph.D Degree w.e.f. 19.09.2019.

02. Succinctly, stated the facts mentioned in the writ petition are that the petitioner is serving as Assistant Vice President (AVP) in National Bank of Pakistan, Aabpara Branch, Islamabad. She has qualified Ph.D and has applied for one step above promotion on the basis of said

degree. That the respondents No. 2 and 3 have informed the petitioner that she will be considered for promotion in further grades as per eligibility criteria / promotion parameters defined in promotion policy as and when it is approved by the Board of Directors / Competent Authority.

03. Learned counsel for the petitioner *inter alia* contends that the petitioner is entitled for one step upward promotion on the basis of acquiring Ph.D degree; the petitioner is a citizen of Pakistan and is entitled to be treated in accordance with law as provided under Article 4 read with Articles 34, 37, and 38(e) as well as Articles 3, 8, 9, 14, 25 and 27 of the Constitution of the Islamic Republic of Pakistan. He further contends that in the past, many other officials of the bank have been given one step above promotion on the basis of acquiring degree and has prayed that direction be issued to the

respondents to grant one step upward promotion to the petitioner on the basis of acquiring Ph.D degree.

04. Arguments heard, record perused.

05. It is mentioned in the rules of respondents department that the employee who acquired the Ph.D degree is entitled for the Ph.D allowance, the said benefit has been extended to the petitioner. It is also mentioned in clause 3 of appointment letter dated 28.04.2005 of the petitioner, issued by National Bank of Pakistan that:

***"Your services in the National Bank of Pakistan will be governed by the National Bank of Pakistan (Staff) Service Rules, in force, and as amended from time to time and Removal from Service (Special Powers) Ordinance, 2000".***

06. Learned counsel for the petitioner has not shown any rule, regulation or law which permits that the petitioner can be granted one step above promotion, on the basis of acquiring Ph.D degree. Even the

management of the bank has informed the petitioner that she will be considered for promotion in further grades as per eligibility criteria / promotion parameters defined in promotion policy as and when it is approved by the Board of Director / Competent Authority.

07. It has been held by the Hon'ble Supreme Court of Pakistan in a case titled as **"Owais Shams Durrani and others Vs. Vice-Chancellor, Bacha Khan University, Charsadda and another"** **(2020 SCMR 1041)** that:

***"It is trite that where a citizen seeks relief in constitutional jurisdiction he must point to a right statutory or constitutional which vests in him and has been denied in violation of the law".***

08. It has also been held by the Hon'ble Supreme Court of Pakistan in a case titled as **"N.W.F.P Public Service Commission and others Vs. Muhammad Arif and others"** **(2011 SCMR 848)** that:

***"The right which is the foundation of an application under Article 199 is a personal and individual right. The legal right may be a statutory right or a right recognized by the law. A person can be said to be aggrieved only when a person is denied a legal right by someone who has a legal duty to perform relating to the right. There must not only be a right but a justiciable right in existence, to give jurisdiction to the High Court in the matter. Unless whatever right, personal or otherwise, on which the application is based is established, no order can issue under Art. 199."***

09. As the learned counsel for the petitioner has failed to point out any violation of law, rule and regulation applicable to the petitioner, hence the instant writ petition is **dismissed in limine** being meritless with no order as to costs.

**(TARIQ MEHMOOD JAHANGIRI)  
JUDGE**