

**JUDGMENT SHEET**  
**IN THE ISLAMABAD HIGH COURT, ISLAMABAD**  
**JUDICIAL DEPARTMENT**

**W.P No.4046 of 2013**

Dr. Shumaila Sajjad  
**Vs**  
International Islamic University, Islamabad & others

Petitioner By: Muhammad Umair Baloch &  
Abdul Hameed Khan Kundi  
Advocate.

Respondents By: Rehan-ud-Din Khan Advocate

Date of Hearing: 17.07.2020

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**Ghulam Azam Qambrani, J:** Through this petition, the petitioner has invoked the jurisdiction of this Court filed under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 with the following prayer;-

“It is respectfully prayed that instant writ petition may graciously be accepted and the impugned orders may kindly be set aside and the respondents may kindly be directed to grant 04 advance increments to the petitioner with effect from the date of her eligibility/entitlement i.e 24.05.2012 as have been granted to Dr.Javed Iqbal Saggu (A.P) and Dr.Muhammad Mumtaz ( A.P) in the interest of justice.

Any other relief which this Hon’ble Court deems fit and appropriate may also be awarded.”

2. Briefly stated facts of the case are that the petitioner was appointed as Assistant Professor, Department of Physics, Female Campus, International Islamic University, Islamabad under Interim Programme for Foreign Ph.Ds (IPEP) for a period of one year with effect from 30.06.2011. Subsequently her services were regularized on

24.05.2012 as Assistant Professor. From the day one, she performed her duties with full devotion, dedication, honesty and having unblemished record of her services; that as per “Model Tenure Track Process Statutes, Chapter 2, Tenure Track Appointments-2.10 Faculty Remuneration & Benefits (2.10.1 Initial Pay), advance increments on the basis of publications with high impact factors in Ph.D are permissible to the faculty members of Department of Physics and Dr. Javed Iqbal Saggu (A.P) and Dr. Muhammad Mumtaz (A.P), have been granted four advance increments. Section 19 (c) (2) & (3) of the International Islamic University Statutes-2006 ( as amended upto December, 2009) allows the grant of advance increments to the qualified faculty members; that on the same analogy of faculty members, the petitioner many times applied for the grant of four advance increments on the basis of publications with high impact factor in Ph.D and list of publications made by the petitioner in well reputed journals of the world with total impact factor of almost 65 is attached with the petition, but request of the petitioner has been rejected without assigning any reason and justification vide order dated 09.05.2013, hence this petition.

3. Learned counsel for the petitioner has contended that the treatment meted out to the petitioner is discriminatory in nature as other faculty members namely Dr. Javed Iqbal Saggu (A.P) and Dr. Muhammad Mumtaz ( A.P) have been granted 04 advance increments on the basis of publications with high impact factor in Ph.D; that the respondent-University has violated its own rules as set out in the “ Model Tenure Track Process Statutes –Chapter 2, Tenure Track Appointments-2.10 Faculty Remuneration & Benefits, thus the impugned order passed by the respondents is not sustainable in the eye of law and has been passed in violation of Articles 4 & 25 of the Constitution of the Islamic Republic of Pakistan, 1973; that the petitioner is entitled for the grant of advance increments in accordance with Section 19 (c) (2) and (3) of the International Islamic University Statutes, 2006; that repeated request of the petitioner have been declined unjustifiably; that the petitioner is a highly qualified Assistant Professor and cannot be deprived of her due right of 04 advance

increments; that the petitioner has been ignored without any justification by adopting a policy of discrimination and favouritism.

4. Conversely, learned counsel for the respondents has opposed the contentions of learned counsel for the petitioners and stated that the petitioner has got no cause of action to file the instant writ petition; that the petitioner has been refused advance increments on the basis of her performance; that the University has followed the competitive process and selected the candidates according to the TTS Statutes, 2005 through Selection Board and Selection Board will determine and recommend the increments as per Tenure Track System Rules, 2008.

5. At this stage, learned counsel for the petitioner submits that the petitioner would be satisfied if a direction is issued to the respondent to decide the pending applications of the petitioner.

6. In view of the above, without touching the merits of the case, the respondents are directed to decide the pending applications of the petitioner. The petitioner is directed to appear before respondent No.3 on 29.07.2020 along with certified copy of this order, who is directed to decide the pending applications of the petitioner with regard to grant of advance increments, after providing opportunity of hearing to the petitioner preferably within a period of one month after receipt of certified copy of this order.

7. With the above direction, this petition stands disposed of:

**Ghulam Azam Qambrani**  
Judge

Announced in open Court on this 23<sup>rd</sup> day of July, 2020

~~Judge~~

S.Akhtar