

ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

Crl.Org.No.183 of 2020
Dr. Mir Aijaz Hussain Talpur
Versus
Dr. Ijaz Munir and others

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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17.09.2020	Ch. Muhammad Junaid Akhtar, Advocate for the petitioner, Mr. Muhammad Saleem Khattak, Deputy Secretary, Ms. Maryam Ahmed and Mr. Mahmood Khan Lakho, Section Officers, Establishment Division.
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Through the instant criminal original petition, the petitioner, Dr. Mir Aijaz Hussain Talpur, seeks the initiation of proceedings of Contempt of Court against the respondents for violating the directions of this Court in the order dated 27.07.2020 passed in writ petition No.1072/2020 and connected matters.

2. Learned counsel for the petitioner drew the attention of the Court to the said order dated 27.07.2020 and submitted that writ petition No.1072/2020 and connected matters were disposed of after the representatives of the Establishment Division informed the Court that the Federal Government had decided to submit the cases of the petitioners (listed in Annexure-B to the said order) for consideration by the Central Selection Board (“C.S.B.”) in its next meeting; that the petitioners listed in Annexure-A were also to be considered by the C.S.B. for promotion as they had become eligible for promotion; that this Court observed that the C.S.B. would consider the eligible candidates including the petitioner without being influenced or in any manner prejudiced by the observations recorded in the minutes of the meeting wherein the cases of the

petitioners were considered but deferred; and that the respondents had violated the said order of this Court by deciding not to promote the petitioner. Learned counsel for the petitioner prayed for the initiation of proceedings of Contempt of Court against the respondents.

3. We have heard the contentions of the learned counsel for the petitioner and have perused the record with his able assistance.

4. The vital question that needs to be determined is whether the order dated 27.07.2020 passed by this Court in writ petition No.1072/2020 and connected matters has been violated by the respondents by issuing letter dated 25.08.2020 from the Establishment Division to the petitioner informing the latter that the C.S.B. had considered him for promotion to BS-21 but had recommended that the promotion be deferred to watch his performance till the performance evaluation report for 2020 become due.

5. We have gone through the said order dated 27.07.2020 in which there was no direction to the respondents to promote the petitioner to BS-21. In this view of the matter, we hold that the respondents did not violate the said order dated 27.07.2020 by deferring the petitioner's promotion. Therefore, no case for Contempt of Court is made out. The petitioner shall be at liberty to assail the said letter dated 25.08.2020 before the appropriate forum, if so advised.

6. In view of the above, the instant criminal original petition is dismissed.

(LUBNA SALEEM PERVEZ)
JUDGE

(MIANGUL HASSAN AURANGZEB)
JUDGE