

ORDER SHEET.
IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Writ Petition No.2063 of 2014
Aksar Zaman
Versus
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.
---	---	--

27.08.2020	Petitioner in person. Ch. Mohammad Tahir Mehmood, Assistant A-G for respondents 1 to 4. Mr. Waqas Amir, Advocate for respondent No.5.
------------	--

Through the instant writ petition, petitioner prays for pensionary benefits as he is a retired employee of National Tariff Commission ('N.T.C') who joined N.T.C in 1990 and retired on 31.05.2011. His grievance is that he has been deprived from pensionary benefits upon his retirement.

02. Petitioner in person contends that in the original Rule 27 of N.T.C Service Rules, 1995, pension and gratuity benefits were provided to the N.T.C employees, in view of which petitioner had a legitimate expectancy, but subsequently respondent No.3 unilaterally changed the said Rule without any plausible justification which tantamount to exploitation of employees in violation of Article 3 of the Constitution. He further contends that similarly placed employees of Frequency Allocation Board have been allowed pensionary benefits, but in sheer discrimination, N.T.C employees have been deprived of equal benefits, hence this petition.

03. On the other hand, learned counsel for respondents and learned Assistant Attorney-General, *inter-alia*, contend that the petitioner is not a civil servant under the Civil Servants Act, 1973 and, therefore, not entitled to the gratuity and General Provident Fund ("G.P.F.") as are applicable to the other employees of the Government of Pakistan. Further contends that the N.T.C was created under an Act of the Parliament and being a statutory organization its employees are governed by the service rules specifically framed and extension of the benefits of pension etc. were subject to adoption of the Government Rules by the N.T.C or prior approval of the Federal Government.

04. Heard, record perused.

05. Record reveals that N.T.C is a statutory body and is offering the benefits of Contributory Provident Fund ('C.P.F') to employees. The request of N.T.C for grant of pension/gratuity and G.P.F for its employees was rejected vide Finance Division's letter dated 13.06.2001. On 13.07.2009, in addition to C.P.F for the employees of N.T.C the Finance Division again disallowed introduction of gratuity scheme. The Finance Division expressed its inability to allow gratuity scheme to the employees of N.T.C in addition to G.P.F by reiterating its previous decision vide letter dated 21.12.2010.

06. The basis of policy, which maintains in terms of Government policy, contained in Finance Division's O.M. No.15 (3) R-14/84 dated 16.10.1984, the Ministries/Divisions were advised to direct all such autonomous/semi-

autonomous bodies and corporations etc. under their administrative control, where the pension scheme does not exist, that the payment of gratuity in additional to C.P.F should not be allowed to their employees on quitting/retirement of their services.

07. In the light of above, pension scheme/ benefits at the relevant time were not available to N.T.C employees, hence, when Rules and law did not provide any benefit, how same would be granted in absentia of any Rule. Being the service matter of Federal Government, Ministry of Finance repelled the claim of the petitioner by filing written comments, stating therein that the terms and conditions applicable to the petitioner at the relevant time does not possess any such benefit.

08. In view of above, no writ as prayed for could be issued, therefore, the instant writ petition being devoid of merits stands dismissed.

(FIAZ AHMAD ANJUM JANDRAN)
JUDGE

M.A. Raza

Announced in open Court on 30-09-2020

JUDGE